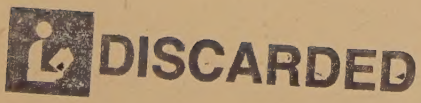
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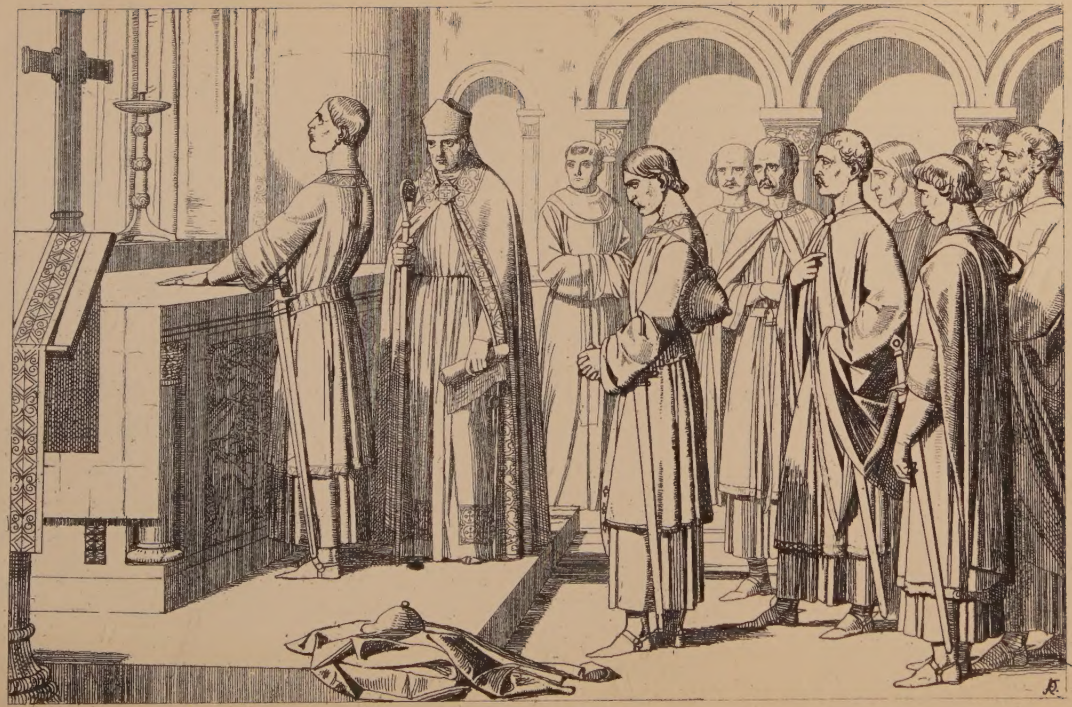
THE

HISTORY OF ENGLAND.

VOL. II.



THE BARONS AT ST EDMUNDSBURY SWEARING TO OBTAIN THE GREAT CHARTER.

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THE

HISTORY OF ENGLAND,

FROM THE FIRST

INVASION BY THE ROMANS

TO THE

ACCESSION OF WILLIAM AND MARY

IN 1688.

By JOHN LINGARD, D.D.

The Sixth Edition, Revised and considerably Enlarged,

IN TEN VOLUMES.

VOL. II.

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HISTORY

OF

ENGLAND.

CHAPTER I.

HENRY I.

SURNAMED BEAUCLERK OR THE SCHOLAR.—A.D. 1100.

CONTEMPORARY PRINCES.

Emp. of Germ.	*K. of Scotland.*	*K. of France.*	*K. of Spain.*
Henry IV.....1106	Edgar.....1106	Philip I.....1108	Alphonso VI.....1109
Henry V.....1125	Alexander I.....1124	Louis VI.	Alphonso VII....1134
Lothaire II.	David I.		Alphonso VIII.

Popes.

Paschal II. 1118. Gelasius II. 1119. Calixtus II. 1124.
Honorius II. 1130. Innocent II.

ACCESSION OF HENRY—INVASION BY DUKE ROBERT—HENRY IN NORMANDY—MAKES ROBERT PRISONER—DISPUTE CONCERNING INVESTITURES—WAR IN NORMANDY—STORY OF JULIANA, THE KING'S DAUGHTER—SHIPWRECK OF HIS SON WILLIAM—SETTLEMENT OF THE CROWN ON MATILDA—HIS ADMINISTRATION OF JUSTICE—RELIEF TO THE TENANTS OF THE CROWN LANDS—EXTORTION OF MONEY—DISPUTE RESPECTING LEGATES—DEATH AND CHARACTER OF HENRY—HIS MINISTERS—STATE OF LEARNING.

FOUR years were now elapsed, since Robert of Normandy had abandoned his dominions in Europe to earn a barren wreath of glory in the fields of Palestine. Accompanied by Hugh of Vermandois, and Robert of Flanders, he had passed the Alps, received the benediction of the pontiff at Lucca, and joined the crusaders under the walls of Constantinople. At the siege of Nice he held an important command; in the battle of Dorylæum his exhortations and example sustained the fainting courage of the Christians; at the reduction of Antioch the praise of superior prowess was shared between him and Godfrey of Bouillon;[1] and if, during a reverse of fortune, he slunk with several others from the pressure of famine and the prospect of slavery, this temporary stain was effaced by his return to the army, his exploits in the field, and his services in the assault of Jerusalem. The crown of that city was given to Godfrey, the most worthy of the confederate chieftains; but, if we may believe

[1] It was believed that Godfrey with a stroke of his sword had divided the body of a Turk from the shoulder to the opposite haunch; and that Robert by the descent of his falchion had cloven the head and armour of his adversary from the crown to the chest.

the English historians, it had been previously offered to Robert, who, with more wisdom than he usually displayed, preferred his European dominions to the precarious possession of a throne surrounded by hostile and infidel nations.[1]

By priority of birth, and the stipulation of treaties, the crown of England belonged to Robert. He had already arrived in Italy on his way home; but, ignorant of the prize that was at stake, he loitered in Apulia to woo Sibylla, the fair sister of William of Conversana.[2] Henry, the younger brother, was on the spot: he had followed Rufus into the forest; and the moment that he heard the king was fallen, spurring his horse, he rode to Winchester, to secure the royal treasures. William de Breteuil, to whose custody they had been intrusted, arrived at the same time, and avowed his determination to preserve them for Robert, the rightful heir. The prince immediately drew his sword; and blood would have been shed, had not their common friends interposed, and prevailed on Breteuil to withdraw his opposition. As soon as Henry had obtained possession of the treasures and castle, he was proclaimed king; and, riding to Westminster, was crowned on the Sunday, the third day after the death of his brother. The ceremonial was the same which had been observed in the coronation of the Anglo-Saxon kings, and was performed by Maurice, bishop of London, in the absence of Anselm, and the vacancy of the archiepiscopal see of York.[3]

On the same day care was taken to inform the nation of the benefits which it would derive from the accession of the new monarch. To strengthen the weakness of his claim by connecting it with the interests of the people, he published a charter of liberties, copies of which were sent to the several counties, and deposited in the principal monasteries. In this instrument, 1°. he restored to the church its ancient immunities, and promised neither to sell the vacant benefices, nor to let them out to farm, nor to retain them in his own possession for the benefit of his exchequer, nor to raise tallages on their tenants. 2°. He granted to all his barons and immediate vassals (and required that they should make the same concession to *their* tenants) that they might dispose by will of their personal property; that they might give their daughters and female relatives in marriage without fee or impediment, provided the intended husband were not his enemy; that for breaches of the peace and other delinquencies they should not be placed at the king's mercy, as in the days of his father and brother, but should be condemned in the sums assigned by the Anglo-Saxon laws; that their heirs should pay the customary reliefs for the livery of their lands, and not the arbitrary compensations which had been exacted by his late brother; that heiresses should not be compelled by the king to marry without the consent of the barons; that widows should retain their dowers, and not be given in marriage against their will: and that the wardship of minors should, together with the custody of their lands, be committed to their mothers, or nearest relations. 3°. To the nation at large he promised to put in

[1] Gerv. Tilb. apud Bouquet, xiv. 13.

[2] Her father Geoffrey was the nephew of Robert the Guiscard.—Orderic, 780.

[3] Orderic, 782. Malm. 88. Chron. Sax. 208. Malmsbury says that he was crowned by Thomas of York (De Pont. 155, b), St. Thomas of Canterbury that the ceremony was performed by Gerard, bishop of Hereford: on which account it was performed a second time by Anselm on his return to England. Ep. S. Thom. i. 68, edit. Giles.

force the laws of Edward the Confessor, as they had been amended and published by his father; to levy no moneyage which had not been paid in the Saxon times; and to punish with severity the coiners and venders of light moneys. He exempted from all taxes and burthens the demesne lands of all his military tenants, forgave all fines due to the exchequer, and the pecuniary mulcts for "murder" committed before his coronation; and ordered, under the heaviest penalties, reparation to be made for all injustices perpetrated in consequence of the death of his brother. Such are the provisions of this celebrated charter; which is the more deserving of the reader's notice, because, by professing to abolish the illegal customs introduced after the Conquest, it shows the nature of the grievances which the nation had suffered under the two Williams. Henry, however, retained both the royal forests and the forest laws; but as a kind of apology he declared, that in this reservation he was guided by the advice, and had obtained the consent of his barons. He added at the same time a very beneficial charter in favour of the citizens of London.[1]

Hitherto the moral conduct of Henry had been as questionable as that of his late brother: policy now taught him to assume the zeal and severity of a reformer. He dismissed his mistresses; drove from his court the men who had scandalized the public by their effeminacy and debaucheries;[2] and sent to hasten the return of Archbishop Anselm with expres-

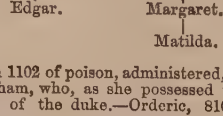
[1] Stat. of Realm, i. 1. Leg. Sax. 233. Ric. Hagul. 310, 311. Henry's charter is a very important document, as it professes to restore the law to the same state in which it had been settled by William the Conqueror. Legem regis Edvardi vobis reddo cum illis emendationibus quibus eam pater meus emendavit consilio baronum suorum.—Stat. 2. Hence we may infer that at that period the crown derived no emolument from the custody of the vacant benefices; that it opposed no impediment to the marriages of the female relations of its tenants; that the great council of tenants decided on the marriages of heiresses; that widows were allowed to marry according to their own choice; that the custody of the heir and his lands was given to the mother and his near relations; that the amount of reliefs was fixed by law; and that there were estates called rectæ hæreditates, which paid no relief at all; that the disposition of personal property by will was valid without the consent of the sovereign; that the personalty of intestates was divided by the nearest relatives; and that amerciaments, by which the personal estate of the delinquent was placed at the mercy of the king, were unknown. All the contrary practices had grown up during the last years of the Conqueror, and the reign of Rufus, particularly under the administration of Flambard. To the charter is added a law treatise in ninety-four chapters, drawn up by an unknown writer, evidently with the intention of instructing the judges in the law, as it stood in the time of Edward the Confessor, and as it was amended by William the Conqueror, and had now been restored by Henry.—Leg. Sax. 236—283. It is hardly necessary to add, that when the king found himself firmly seated on the throne, he restored all the grievances which he had previously abolished.

[2] Effœminatos curia propellens, lucernarum usum noctibus in curia restituit, qui fuerat tempore fratris intermissus.—Malm. 88. Why lights had been prohibited in the palace of William, or were now restored by Henry, I am unable to explain. But the effœminati are so frequently mentioned by our ancient writers, that they demand some notice. They were the fashionable young men of the time, and received that appellation from their manner of dressing, which approached to that of women. They wore tunics with deep sleeves, and mantles with long trains. The peaks of their shoes (pigaciæ) were stuffed with tow, of enormous length, and twisted to imitate the horn of a ram or the coils of a serpent; an improvement lately introduced by Faulk, earl of Anjou, to conceal the deformity of his feet. Their hair was divided in front, and combed on the shoulders, whence it fell in ringlets down the back, and was often lengthened most preposterously by the addition of false curls. This mode of dressing was opposed by the more rigid among the clergy, particularly the manner of wearing the hair, which was said to have been prohibited by St. Paul: "If a man nourish his hair, it is a shame to him."—1 Cor. xi. 14. But after a long struggle, fashion triumphed over both the clergy and the apostle.—See Malmsbury, 88, 99; Eadmer, 23, 106; and Orderic, 682. The latter adds, that they were addicted to the most abominable vices. sodomiticis spurcitiis fœdi catamitæ.—Ibid.

sions of the highest regard and veneration for his character. At the solicitation of the prelates he consented to marry; and the object of his choice was Matilda or Maud, the daughter of Malcolm, king of Scots, by Margaret, the sister of Edgar the Etheling: a princess whose descent from the Anglo-Saxon monarchs was expected to add stability to his throne, and to secure the succession to his posterity. An objection was, however, made to their union, which nearly defeated his hopes. The princess in her childhood had been intrusted to the care of her aunt Christina, abbess of Wilton, who, to preserve the chastity of her niece from the brutality of the Norman soldiers, had compelled her to wear the veil, and to frequent the society of the nuns. Hence it was contended that, according to the ecclesiastical canons, she was no longer at liberty to marry; but in a synod of the prelates the objection was overruled in conformity with a former decision of Archbishop Lanfranc on a similar occasion. The marriage was celebrated, and the queen crowned with the usual solemnity by Anselm, who had returned to England, and resumed the administration of his diocese.[1]

To satisfy the clamour of the people, Henry had committed to the Tower Flambard, bishop of Durham, the obnoxious minister of the late king. The prelate lived sumptuously in his confinement on the allowance which he received from the Exchequer, and the presents which were sent to him by his friends; and by his wit, cheerfulness, and generosity, won the good will, while he lulled the vigilance, of his keepers. In the beginning of February he received a rope concealed in the bottom of a pitcher of wine. The knights who guarded him were, as usual, invited to dine: they drank copiously till it was late in the evening; and soon after they had lain down to rest, Flambard, with the aid of his rope, descended from the window, was conducted by his friends to the sea-shore, and thence escaped into Normandy.[2] In Normandy he found Duke Robert, who had married Sibylla, and returned to his duchy within a month after the death of his brother. By his former subjects he had been received with welcome; but his claim to the English crown, though he meant to enforce it, was postponed to a subsequent period. Pleasure, not power, was his present object: he wished to exhibit to his Normans the fair prize which he had brought from Apulia; and her fortune, a very considerable sum, was consumed in feastings and pageantry.[3] But the arrival and suggestions of Flambard awakened his ambition, and

[1] Eadmer, 56—58. Alured Bev. 144. From the proceedings in the council held on this occasion it appears, that at the time of the Conquest there was no security for females, unless they took refuge in a convent. Suo pudori metuentes monasteria virginum petivere, acceptoque velo sese inter ipsas a tanta infamia protexere.—Ead. ibid. Matilda traced her descent from the Anglo-Saxon kings in this manner:—



[2] Orderic, 786.

[3] Malm. 86. Sibylla died in 1102 of poison, administered, it was believed, by Agnes, dowager-countess of Buckingham, who, as she possessed the affections, was also ambitious to share the honours, of the duke.—Orderic, 810. Malmsbury's account is different.

turned his thoughts from pleasure to war. His vassals professed their eagerness to fight under a prince who had gained laurels in the Holy Land; tenders of assistance were received from England; and a powerful force of men-at-arms, archers, and footmen, was ordered to assemble in the neighbourhood of Tresport. On the English barons who had engaged to espouse his cause, Robert de Belesme, William de Warenne, Ivo de Grentesmenil, and Walter Giffard, he bestowed some of the strongest fortresses in Normandy. His object was to secure their co-operation; but he had reason to regret a measure which weakened his power, and ultimately caused his ruin.[1]

Henry beheld with disquietude the preparations of his brother; but trembled still more at the well-known disaffection of his barons. By Robert de Meulant, the most trusty and favoured of his ministers, he was advised to make every sacrifice for the preservation of his crown; to promise whatever should be asked; to divide among the suspected the choicest of the royal demesnes: and to wait till the hour of danger was past, when he might resume these concessions, and punish the perfidy of the men who had presumed to sell to their sovereign those services which they already owed him by their oaths. At Whitsuntide Henry held his court; every petition was granted; the charter was renewed; and in the hands of Anselm, as the representative of the nation, the king swore faithfully to fulfil all his engagements. His army was collected at Pevensey, on the coast of Sussex: Robert, conducted by the mariners, whom Flambard had debauched from their allegiance, reached the harbour of Portsmouth. To secure the city of Winchester became to each prince an object of the first importance. Though Robert was nearer, he was delayed by the debarkation of his troops, and Henry overtook him on his march. By the neighbourhood of the two armies the spirit of revolt was again awakened among the Anglo-Norman barons; but the natives remained faithful to Henry, and Anselm devoted himself to his interests. He harangued the troops on the duty of allegiance, recalled from the camp of Robert some of the deserters, confirmed the wavering loyalty of others, and threatened the invaders with the sentence of excommunication. After several fruitless and irritating messages, Henry demanded a conference with his brother. The two princes met in a vacant space between the armies, conversed for a few minutes, and embraced as friends. The terms of reconciliation were immediately adjusted. Robert renounced all claim to the crown of England, and obtained in return a yearly pension of three thousand marks, the cession of all the castles which Henry possessed in Normandy, with the exception of Damfront, and the revocation of the judgment of forfeiture, which William had pronounced against his adherents. It was moreover stipulated, that both princes should unite to punish their respective enemies, and that if either died without legitimate issue, the survivor should be his heir. Twelve barons on each side swore to enforce the observance of these articles.[2]

It was not, however, in the disposition of Henry to forget or forgive. Prevented by the treaty from chastising the public disaffection of his Anglo-Norman barons, he sought pretexts of revenge in their private conduct. Spies were appointed to watch

[1] Idem, 787.

[2] Eadmer, 58. Orderic, 788. Chron. Sax. 209, 210.

them on their demesnes, and in their intercourse with their vassals: charges of real or pretended transgressions were repeatedly brought against them in the king's court, and each obnoxious nobleman in his turn was, justly or unjustly, pronounced a criminal and an outlaw. Of the great families, the descendants of the warriors who had fought with the Conqueror, the most powerful successively disappeared, and in opposition to the others Henry's jealousy selected from the needy followers of the court, men whom he enriched with the spoils of the proscribed, and raised to an equality with the proudest of their rivals. To these he looked as to the strongest bulwarks of his throne; for since they owed their fortunes to his bounty, their own interest, if not their gratitude, would bind them firmly to his support.[1]

Among the outlaws were Robert Malet, Ivo de Grentesmenil,[2] Warenne, earl of Surrey, William, earl of Moretain and Cornwall, and Robert de Belesme, earl of Shrewsbury. The last, the son of the great Montgomery, deserves some notice. He was the most powerful subject in England, haughty, rapacious, and deceitful. In these vices he might have many equals: in cruelty he rose pre-eminent among the savages of the age. He preferred the death to the ransom of his captives; it was his delight to feast his eyes with the contortions of the victims, men and women, whom he had ordered to be impaled: he is even said to have torn out the eyes of his godson with his own hands, because the father of the boy had committed some trivial offence, and had escaped from his vengeance.[3] Against this monster, not from motives of humanity but of policy, Henry had conceived the most violent hatred. He was cited before the king's court: the conduct of his officers in Normandy as well as in England, his words no less than his actions, were severely scrutinized; and a long list of five-and-forty offences was objected to him by his accusers. The earl, according to custom, obtained permission to retire, that he might consult his friends: but instantly mounted his horse, fled to his earldom, summoned his retainers, and boldly bade defiance to the power of his prosecutor. Henry cheerfully accepted the challenge, and began the war with the investment of the castle of Arundel, which, after a siege of three months, surrendered by capitulation. Belesme, in the interval, had fortified Bridgenorth, on the left bank of the Severn, and placed in it a garrison of seven hundred men; but the townsmen, intimidated by the menaces of the king, rose upon their defenders, and opened the gates to the royal forces. Shrewsbury still remained in his possession. From that city to Bridgenorth the country was covered with wood; and the only road ran through a narrow defile between two mountains, the declivities of which he had lined with his archers. Henry ordered the infantry, sixty thousand men, to open a passage: in a few days the trees were felled; and a safe and spacious road conducted the king to the walls of Shrewsbury. At his arrival despair induced Belesme to come forth on foot: he offered the keys of the place to the conqueror; and surrendered himself at discretion. His life was spared; but he was com-

[1] Orderic, 804, 805.

[2] Ivo was accused of having made war on his neighbours, quod in illa regione crimen est inusitatum, nec sine gravi ultione fit expiatum.—Orderic, 805. This was the great merit of the Conqueror and his sons. They compelled the barons to decide their controversies in the king's court, instead of waging war against each other.

[3] Orderic, 814, 841. Ang. Sac. ii. 698, 699. Malm. 89.

pelled to quit the kingdom, and to promise upon oath never to return without the royal permission.[1]

Hitherto the duke had religiously observed the conditions of peace. He had, even on the first notice of Belesme's rebellion, ravaged the Norman estates of that nobleman. Sensible, however, that the real crime of the outlaws was their former attachment to his interest, he unexpectedly came to England at the solicitation of the earl of Surrey, and incautiously trusted himself to the generosity of an unfeeling brother. He was received indeed with a smile of affection, but soon found that he was in reality a captive; instead of interceding in favour of others, he was reduced to treat for his own liberty: and as the price of his ransom, gladly resigned his annuity of three thousand marks, which, to save the honour of the two princes, was received as a present by the queen Matilda.[2] After such treatment Robert could not doubt of the hostility of his brother; and in his own defence he sought the friendship, and accepted the services of the outlaw Belesme, who still possessed thirty-four castles in Normandy. Henry received the intelligence with pleasure, pronounced the alliance between himself and Robert at an end, accepted, perhaps procured, invitations from the enemies of the duke, and resolved to transfer the Norman coronet to his own head.[3] He had even the effrontery to assume credit for the purity of his motives, and to hold himself out as the saviour of an afflicted country. It may, indeed, be, as his panegyrists assert, that the duke was weak and improvident; that he spent his time and his money in the pursuit of pleasure, and submitted to be robbed by his mistresses and his riotous companions; that he suffered his barons to wage war on each other, and to inflict every species of calamity on his subjects:[4] still it will be difficult to believe that it was pity and not ambition, a hope to relieve the distresses of his countrymen, and not a desire to annex Normandy to his dominions, which induced Henry to unsheath the sword against his unfortunate brother. The first campaign passed without any important result; in the second the fate of Normandy was decided before the walls of Tenchebrai. The king had besieged that fortress; and Robert on an appointed day approached with all his forces to its relief. The action was bloody and obstinate; but Helie de la Fleche, who fought on the side of Henry, unexpectedly attacked the enemy in flank; and the duke, the earl of Moretain, Robert de Stuteville, Edgar the Etheling,[5] and four hundred knights, fell into the hands of the conquerors. To some of his captives the king gave their freedom; others he released for a stipulated ransom; Moretain and Stuteville were condemned to perpetual imprisonment. The fate of Robert was delayed for a short time. His presence was wanted to procure from his officers the surrender of their trusts: as soon as he ceased to be useful, he was sent to England, and kept in confinement till death. In the course of a few weeks Belesme, through the interest of Helie, obtained permission to retain a portion of his estates; and Flambard purchased with the surrender of Lisieux, the restoration of his bishopric.[6] Henry summoned the

[1] Orderic, 806—808. Malm. 88. Chron. Sax. 210. Flor. 650, 651.

[2] Chron. Sax. 211. Malm. 88. Orderic, 805. Flor. 652.

[3] Chron. Sax. 212. Orderic, 808, 813.

[4] Orderic, 815, 821. Malm. 86, 89.

[5] Edgar was set at liberty by Henry.—Chron. Sax. 214. It is the last time that mention is made of that prince.

[6] Eadmer, 90. Malm. 89. Hunt. 217. Orderic, 820—822. The duke was made prisoner by Galdric, the king's chaplain, who was rewarded for his services with the bishopric of Landaff. But this warlike prelate soon incurred the hatred of the citizens, and was murdered in a field with five of his prebendaries.—Orderic, 821.

Norman barons to that city, where he was acknowledged duke without opposition.[1]

While the king had thus been employed in chastising his enemies, and stripping an unfortunate brother of his dominions, he was engaged in a less successful quarrel with Anselm and the court of Rome concerning the right of investiture. To understand the subject of the controversy, the reader should know that according to ancient practice the election of bishops had generally depended on the testimony of the clergy and people, and the suffrage of the provincial prelates. But the lapse of years, and the conversion of the barbarous nations, had introduced important innovations into this branch of ecclesiastical polity. The tenure of clerical, was assimilated to that of lay, property; the sovereign assumed the right of approving of the prelate elect; and the new bishop or abbot, like the baron or knight, was compelled to swear fealty, and to do homage to his superior lord. The pretensions of the Crown were gradually extended. As it was the interest of the prince that the spiritual fiefs should not fall into the hands of his enemies, he reserved to himself the right of nomination; and in virtue of that right *invested* the individual whom he had nominated, with the ring and crosier, the acknowledged emblems of episcopal and abbatial jurisdiction. The Church had observed with jealousy these successive encroachments on her privileges: in the general councils of Nice in 787, and of Constantinople in 869, the nomination of bishops by lay authority had been condemned: in 1067 the former prohibitions were renewed by Gregory VII.; and ten years afterwards Victor III., in a synod at Beneventum, added the sentence of excommunication both against the prince who should presume to exercise the right of investiture, and the prelate who should condescend to receive his temporalities on such conditions. But it was in vain that the thunders of the Church were directed against a practice enforced by sovereigns, who refused to surrender a privilege enjoyed by their predecessors, and defended by prelates who were indebted to it for their wealth and importance. The contest between the two powers continued during half a century; nor was it without mutual concessions that claims so contradictory could be amicably adjusted.

It should, however, be remembered that the right for which the sovereigns contended, had at this period degenerated into a most pernicious abuse. The reader is already acquainted with the manner in which it had been exercised by William Rufus, who for his own profit refused on many occasions to fill the vacant benefices, and on others degraded the dignities of the Church by prostituting them to the highest bidder. In France and Germany similar evils existed even to a greater extent. In Normandy the indigence of Robert had suggested an improvement on the usual practice, by selling the reversion of bishoprics in favour of children, and granting for a proportionate sum more than one diocese to the same prelate.[2] Every good man was anxious to suppress these abuses; and the zeal of the pontiffs was stimulated by the more virtuous of the episcopal order. Among these we must number Anselm. During his exile he had assisted at the councils of Bari and Rome, in which the custom of investiture had been again condemned, and the sentence of excommunication against the guilty had been renewed. At his first interview with Henry, he intimated in respectful terms his inflexible

[1] Orderic, 823, 833.

[2] Ivon Carnot. epist. 178, 179, 181.

resolution to observe the discipline approved in these synods; and the king avowed an equally fixed determination to retain, what he conceived to be, the lawful prerogative of his crown. He stood, however, at that moment on very slippery ground. Without the aid of the primate he knew not how to put down the partisans, or to resist the forces of his brother Robert; it was more prudent to dissemble than to throw the clergy into the arms of his competitor; and by mutual consent the controversy was suspended, till an answer could be procured from the pope; which answer, as both had foreseen, was unfavourable to the pretensions of the monarch.[1] It would exhaust the patience of the reader to descend into the particulars of this dispute; to notice all the messages that were sent to Rome, and the answers returned to England; the artifices that were employed to deceive, and the expedients suggested to mollify Anselm. At last, by the king's request, he undertook, aged and infirm as he was, a journey to Italy, to lay the whole controversy before the pontiff; on his return he received an order to remain in banishment till he should be willing to submit to the royal pleasure. The exile retired to his friend the archbishop of Lyons, under whose hospitable roof he spent the three following years. In the interval Henry was harassed by the entreaties of his barons and the murmurs of the people: his sister Adela, countess of Blois, and his queen Matilda, importuned him to be reconciled to the primate; and Paschal II., who had already excommunicated his advisers, admonished him that in a few weeks the same sentence would be pronounced against himself. The king, who was not prepared to push the dispute to this extremity, discovered a willingness to relent. Anselm met him at the abbey of Bec; and both, in the true spirit of conciliation, consented to abandon a part of their pretensions. As fealty and homage were civil duties, it was agreed that they should be exacted from every clergyman before he received his temporalities: as the ring and crosier were considered to denote spiritual jurisdiction, to which the king acknowledged that he had no claim, the collation of these emblems was suppressed.[2] On the whole the Church gained little by the compromise. It might check, but did not abolish, the principal abuse. If Henry surrendered an unnecessary ceremony, he still retained the substance. The right which he assumed of nominating bishops and abbots was left unimpaired; and, though he promised not to appropriate to himself the revenues of the vacant benefices, he never hesitated to violate his engagement.[3]

The possession of Normandy soon

[1] See Henry's letter to Paschal in Brompton, 999, and Paschal's answer in Eadmer, 59.

[2] Eadmer, 56—91.

[3] This controversy continued to embitter the life of Pope Paschal. About three years after the compromise with the king of England, Henry IV. of Germany consented to abandon the right of investiture on condition that the pontiff would crown him in Rome. But as soon as he was admitted within the walls he seized on Paschal, conveyed him to a castle in the neighbourhood, and kept him in confinement for two months. To obtain his liberty, the pope confirmed to Henry the contested right, and solemnly swore never to excommunicate or molest him for his exercise of it. This acquiescence of Paschal was severely condemned; provincial synods were assembled; the emperor was excommunicated; and the pope was harassed with complaints and reproofs. Unable to exculpate himself to the satisfaction of the more zealous of the prelates, he condescended to appear in the council of Lateran in 1112 without the ensigns of his dignity, and to submit his conduct to public inquiry. By order of the fathers, the charter granted to Henry was burnt, and that prince was excommunicated. But Paschal himself, out of reverence to his oath, refused to pronounce the sentence, and persisted in that refusal till death.—Baron. ad ann. 1111, 1112. Malm. 94.

involved the king in hostilities with the neighbouring princes. William, the only son of the captive duke, was but five years old at the time of the battle of Tenchebrai; and Henry, after caressing the boy, gave him to the custody of Helie de St. Saen, who had married an illegitimate daughter of Robert. But it was suggested by his advisers that the young prince might at some future period claim the dominions of his father; and a trusty officer was despatched to surprise the castle of St. Saen, and secure the person of William. Helie was absent; but the ingenuity of his servants defeated the diligence of the royal messenger; and the tutor readily abandoned his estates to insure the safety of his pupil. The son of Robert was conducted by him from court to court; and everywhere his innocence and misfortunes gained him partisans and protectors. Among the most powerful were Louis, king of France, and Fulk, earl of Anjou. Louis engaged to grant him the investiture of Normandy, Fulk to give him his daughter Sibylla in marriage: promises, the performance of which was for the present suspended on account of his minority. In the mean while Helie de la Fleche died. Henry claimed his earldom of Mans as an appendage of Normandy: Fulk seized it in right of his wife, the only daughter of Helie. The former was assisted by his nephew Theobald, earl of Blois, the latter by his superior lord the king of France. During two years victory seemed to oscillate between these competitors; and each ephemeral success, by whomsoever it was gained, invariably produced the same effects, the pillage of the country, and the oppression of the inhabitants. At length a peace was concluded, by the conditions of which the interests of the Norman prince were abandoned: Matilda, a daughter of Fulk, was promised in marriage to William, the son of Henry: and the earl was permitted to keep possession of Mans, as the feudatory of the English monarch. During the war the king had arrested Belesme, and confined him for life in the castle of Wareham.[1]

As William of Normandy advanced in age, the hopes of his partisans increased. Baldwin, earl of Flanders, with whom he had found an honourable retreat during the last five years, engaged to assist him with all his power; Louis, notwithstanding the peace, was induced to draw the sword in the same cause; even Fulk of Anjou agreed to join the confederates. All these princes had individually reasons to complain of Henry; they were willing to sanctify their resentments by espousing the interests of an injured orphan. Thus the embers of war were rekindled, and the flame stretched from one extremity of Normandy to the other. During more than three years fortune seemed to play with the efforts of the combatants. At first Louis was compelled to solicit the forbearance of the king of England; then success upon success waited on his arms; afterwards Baldwin died of a slight wound received at the siege of Eu; next Fulk of Anjou, induced by a considerable bribe, and the actual marriage of his daughter to Henry's son, withdrew from the allies; and at last the decisive though almost bloodless victory of Brenville, gave the superiority to the king of England. By accident, Henry and Louis met in the vicinity of Noyon. Henry had five, Louis four hundred knights. The French fought on horseback; the English, with the exception of one-fifth of their number, fought on foot. During the engagement, both princes displayed the most determined courage, and both were in the most imminent

[1] Orderic, 837—841.

danger. Henry received two blows on the head; but though the violence of the shock forced the blood from his nostrils, such was the temper of his helmet that it resisted the edge of the battle-axe. The horse of Louis was killed under him, and it was with difficulty that he escaped on foot in the crowd of fugitives. His standard and one hundred and forty knights remained in the hands of the conquerors. William of Normandy was in the battle, but saved himself by flight.[1]

An end was put to hostilities by the paternal industry of the pontiff, Calixtus II. Louis, attended by the son of Robert, appeared in the council of Rhemes; and in a speech of some eloquence had accused Henry of cruelty, injustice, and ambition. The royal orator was answered by the archbishop of Rouen; but this prelate was heard with impatience, and frequently interrupted by the partisans of France. At the termination of the council, Calixtus himself visited Henry, to whom he was allied by descent: and the king of England attempted to justify or palliate his conduct in the presence of the pope. He denied that he had taken Normandy from his brother. That brother had previously lost it by his indolence and folly. All that he himself had done, was to wrest the ancient patrimony of his family from the hands of the traitors and rebels, into whose possession it had fallen. Neither was it true that Robert was kept in prison. He was treated as a prince who had retired from the cares and fatigues of government. He lived in a royal castle, was served with princely magnificence, and enjoyed every amusement that he desired. As for William, Henry assured the pontiff that he felt the affection of an uncle for the young prince; that it had been his intention to have educated him with his own son; and that he had frequently offered him an honourable asylum and three earldoms in England — offers which William had constantly refused, at the suggestion of men who were equally the enemies of the nephew and the uncle. Such flimsy reasoning could not deceive the penetration of Calixtus; but unwilling to urge a request in which he foresaw that he should not succeed, he diverted the conversation to the subject of the war, and obtained from Henry an avowal of the most pacific sentiments. The intelligence was immediately communicated to the different belligerents, and a treaty of peace was concluded under the auspices of the pontiff. Henry retained what he principally sought, the possession of Normandy; and the king of France, as sovereign lord, received the homage of William, Henry's son, in lieu of that of the father.[2]

In perusing the history of this war, written by the pen of Orderic, the mind is surprised at the opposite instances of barbarism and refinement, of cruelty and humanity, with which it abounds. I. The number of slain in the celebrated battle of Brenville amounted to no more than three: for, says the historian, Christian knights contend not for revenge, but for glory; they seek not to shed the blood, but to secure the person of their enemy.[3] Their great object was to throw him on the ground; and when this was effected, whether by a blow, or by the death of his horse, the knight, enchased in ponderous armour, was unable to help himself, and lay the unresisting prize of his adversary.

[1] Orderic, 842—854. Chron. Sax. 821. Hunt. 217. Malm. 90.
[2] Orderic, 858, 859, 865, 866. Malm. 93. The grandmother of Calixtus was Alice, daughter of Richard II., duke of Normandy.—Ord. 848.
[3] Ib. 854.

II. Offices of civility were interchanged in the midst of hostilities: and the captive, who had signalised his courage, was often released without ransom by a generous conqueror. The king, after his victory, restored to Louis his charger, with the trappings of gold and silver; and his son at the same time sent to the son of Robert valuable presents, that the young exile might appear among foreigners with the splendour due to his birth.[1] III. But their passions were violent and implacable; and in the pursuit of revenge their breasts seemed to be steeled against every feeling of humanity. Eustace, lord of Breteuil, who had married Juliana, one of the king's illegitimate daughters, had solicited the grant of a strong fortress, which was part of the ducal demesne. Henry entertained suspicions of his fidelity, but was unwilling to irritate him by an absolute refusal. It was agreed that two children, the daughters of Eustace and Juliana, should be given to Henry as hostages for the allegiance of their father; and that the son of Harenc, the governor of the castle, should be intrusted to that nobleman as a pledge for the cession of the place at the close of the war. Eustace was, however, dissatisfied: he tore out the eyes of the boy, and sent him back to his father. Harenc, frantic with rage, and impatient of revenge, demanded justice of Henry, who, unable to reach the person, bade him retaliate on the daughters of Eustace. Their innocence, their youth, their royal descent, were of no avail: the barbarian deprived them of their eyes and noses; and Henry, with an affectation of stoic indifference, loaded him with presents, and sent him back to resume the command. The task of revenge now devolved on Juliana, who deemed her father the author of the sufferings of her daughters. Unable to keep Breteuil against the royal forces, she retired into the citadel; abandoned by the garrison, she requested a parley with the king; and, as he approached the wall, pointed an arrow and discharged it at his breast. Her want of skill saved her from the guilt of actual parricide; and necessity compelled her to surrender at discretion. Had Henry pardoned her, he might perhaps have claimed the praise of magnanimity; but the punishment which he inflicted was ludicrous in itself, and disgraceful to its author. He closed the gate, removed the drawbridge, and sent her a peremptory order to quit the castle immediately. Juliana was compelled to let herself down without assistance from the rampart into the broad moat which surrounded the fortress, and to wade through the water, which rose to her waist. At each step she had to break the ice around her, and to suffer the taunts and ridicule of the soldiers, who were drawn out to witness this singular spectacle.[2]

The ambition of the king was now gratified. His foreign foes had been compelled to solicit peace: his Norman enemies had been crushed by the weight of his arms; and, if further security were wanting, it had been obtained by the investiture of the duchy which had been granted to his son William. After an absence of four years he resolved to return in triumph to England. At Barfleur he was met by a Norman mariner, called Fitz-Stephen, who offered him a mark of gold, and solicited the honour of conveying him in his vessel, "the White Ship." It was, he observed, new, and manned with fifty most able seamen. His father had carried the

[1] Orderic, 855.

[2] Orderic, 854, 855. Eustace was a bastard, and had seized the lands of his father, to the prejudice of the lawful heir.—Id. 810. Huntingdon attributes to Henry himself the punishment inflicted on his granddaughter. Neptium suarum oculos erui fecit.—Ang. Sac. ii. 699.

king's father when he sailed to the conquest of England; and the service by which he held his fee, was that of providing for the passage of his sovereign. Henry replied that he had already chosen a vessel for himself; but that he would confide his son and his treasures to the care of Fitz-Stephen. With the young prince (he was in his eighteenth year) embarked his brother Richard and his sister Adela, both natural children of Henry, the earl of Chester and his countess the king's niece, sixteen other noble ladies, and one hundred and forty knights. They spent some hours on deck in feasting and dancing, and distributed three barrels of wine among the crew: but the riot and intoxication which prevailed about sunset induced the more prudent to quit the vessel and return to the shore. Henry had set sail as soon as the tide would permit. William, after a long delay, ordered Fitz-Stephen to follow his father. Immediately every sail was unfurled, every oar was plied; but amid the music and revelling the care of the helm was neglected, and the "White Ship," carried away by the current, suddenly struck against a rock.[1] The rapid influx of the water admonished the gay and heedless company of their alarming situation. By Fitz-Stephen the prince was immediately lowered into a boat, and told to row back to the land; but the shrieks of his sister recalled him to the wreck, and the boat sank under the multitude that poured into it. In a short time the vessel itself went down, and three hundred persons were buried in the waves. A young nobleman, Geoffrey de L'aigle, and Berold, a butcher of Rouen, alone saved themselves by clinging to the top of the mast. After a few minutes the unfortunate Fitz-Stephen swam towards them, inquired for the prince, and being told that he had perished, plunged under the water. Geoffrey, benumbed by the cold of a November night, was soon washed away, and, as he sank, uttered a prayer for the safety of his companion: Berold retained his hold, was rescued in the morning by a fishing-boat, and related the particulars of this doleful catastrophe. Henry had arrived at Southampton, and frequently expressed his surprise at the tardiness of his son. The first intelligence was conveyed to Theobald of Blois, who communicated it to his friends, but dared not inform the king. The next morning the fatal secret was revealed by a young page, who threw himself in tears at his feet. At the shock Henry sank to the ground, but recovering himself, affected a display of fortitude which he did not feel. He talked of submission to the dispensations of Providence; but the wound had penetrated deep into his heart: his grief gradually subsided into a settled melancholy; and it is said that from that day he was never observed to smile.[2] Matilda, by the death of her husband, became a widow at the age of twelve, within six months after her marriage. By Henry she was treated with the affection of a parent; but at the demand of her father returned to Anjou, and ten years afterwards put on the veil in the convent of Fontevraud.[3]

By the generality of the nation the loss of the prince was not regretted. From the arrogance and violence of his youth men had learned to fear the despotism of his maturer years. He was already initiated in all the mysteries of iniquity; and had publicly avowed on every occasion his contempt and hatred of the English.[4] But

[1] The current is called to this day the Gatteraz, and is occasioned by a low ledge of rock running out into the sea, in the commune of Gatteville, about a mile and a half from the port of Barfleur.

[2] Orderic, 867—869. Chron. Sax. 222. Simeon, 242.

[3] Orderic, 875.

[4] Displicebat autem mihi, says a writer

Henry, deprived of his only legitimate son, had new plans to form, new precautions to take, against the pretensions and attempts of his nephew. On that prince every eye was fixed: his virtues and misfortunes were the theme of general conversation; and few men doubted that he would ultimately succeed to the throne. Fulk of Anjou, whom the king had offended by refusing to return the dower of Matilda, affianced to him his younger daughter Sibylla, and gave him the earldom of Mans; while the most powerful barons of Normandy, Amauri of Montfort, and Walleran, the young earl of Mellent, undertook to assist him on the first opportunity with all their forces and influence. Henry by his spies was informed of the most secret motions of his enemies. In the court of Anjou he employed threats, and promises, and bribes, to prevent the intended marriage: he even undertook to prove that the two parties, William and Sibylla, were relations within the prohibited degrees of consanguinity.[1] In Normandy he suddenly landed with a numerous body of English forces; summoned his barons to attend him; and without communicating his intentions to any individual, marched out of Rouen on a Sunday after dinner, with the whole army. Hugo of Montfort, one of the chief conspirators, was immediately called before the king, and ordered to surrender his castle. He assented with apparent cheerfulness, and was despatched with an escort to give orders to the garrison; but in passing through a wood, he suddenly turned down an unfrequented path, escaped his pursuers, reached Montfort, and ordered his retainers to hold it against all the power of Henry. For some time they complied with the will of their lord; but at length, despairing of succour, surrendered upon terms. From Montfort the king proceeded to Pont-Audemer, a strong fortress defended by one hundred and forty knights: but a tower of wood was constructed twenty-four feet higher than the walls; and the archers from its summit so annoyed the besieged, that after a defence of seven weeks, they were compelled to open the gates. The next year he was still more fortunate. As the insurgent barons were returning from a successful expedition, they were opposed by Ranulf of Bayeux and William of Tankerville, with a body of men selected from the neighbouring garrisons. The battle was gained, and the war terminated by forty English archers. These, as the enemy charged, drew their bows: the foremost horses were slain; others fell over them; and the rest of the insurgents, seeing the confusion, immediately fled. Eighty knights in their armour were found lying on the ground; and among them were captured the chief promoters of the rebellion. Fulk immediately abandoned the cause of his intended son-in-law, and peace was once more restored.[2]

The life of William, the son of Robert, was an alternating series of elevation and depression. If the sudden fate of his cousin had awakened his hopes, they were soon defeated by

who knew him, nimius circa eum cultus, et nimius in eo fastus—semper de fastigio superbo tumidus cogitabat.—Huntingdon, in Ang. Sac. ii. 696. I will add what he and another ancient writer say of him and his companions. Omnes aut fere omnes sodomitica labe dicebantur, et erant, irretiti.—Hunt. 218. Filius regis et socii sui incomparabili superbia tumidi, luxuriæ et libidinis omni tabe maculati.—Gervas, 1339.

[1] Chron. Sax. 231. Malm. 99. Ord. 883. According to him, they were related in the sixth degree. But the allegation was most impudent on the part of the king. In whatever relation Robert stood towards Fulk, Henry must have stood in the same. Yet he had already married his son to one of Fulk's daughters, and afterwards married his daughter to one of Fulk's sons.

[2] Orderic, 875—880. Simeon, 250. Chron. Sax. 227.

the sagacity and promptitude of his uncle; but he was amply repaid for the disappointment by the bounty of Louis, who in lieu of Sibylla, bestowed on him the hand of his sister-in-law, and gave for her portion Chaumont, Pontoise, and the Vexin, on the borders of Normandy; whence, by his proximity, he was enabled to encourage his partisans, and to keep alive the spirit of opposition to Henry.[1] Soon afterwards, Charles the Good, earl of Flanders, and the successor of Baldwin, was assassinated. He was at his devotions in a church at Bruges, when Burchard de l'Isle suddenly assailed him with a body of armed men, and murdered him at the foot of the altar. On the first intelligence of this event, William of Ipres surrounded the walls with his retainers: the king of France followed with a formidable force; and after a siege of five weeks the gates were burst open, and the assassins were precipitated over the battlements of the castle. William had accompanied his benefactor, and received from him the investiture of the earldom, which he could justly claim as the representative, of Matilda, his grandmother, the daughter of Baldwin V.[2] Thus again by the caprice of fortune was he raised to a high degree of power, and placed in a situation the most favourable for the conquest of Normandy. Henry began to tremble for the safety of his continental possessions.[3]

It is now time to notice the measures by which that monarch had sought to perpetuate the succession in his own family. Matilda had brought him two children, a son, William, whose premature fate the reader has already witnessed, and a daughter Alice, who afterwards assumed the name of her mother.[4] For the last twelve years of her life the queen resided at Westminster, deprived of the society of her husband, but surrounded with the parade of royalty, and an object of veneration in the eyes of the people, by whom she was generally denominated Molde, the good.[5] The purity of her character was beyond the reach of suspicion: acts of benevolence, and exercises of devotion, occupied her time; and to listen to the chants of minstrels and the verses of poets formed her principal amusement. One fault she is said to have had. She was liberal beyond her means; and her officers, to supply the current of her munificence, were occasionally compelled to oppress her vassals.[6] By her death in 1118 the king found himself at liberty to contract another marriage; but the restraints of wedlock did not accord with his love of pleasure and inconstancy of affection; nor did he think of a second wife till the loss of his son, the Ethelng, had brought the succession within the grasp of his nephew. To defeat the hopes of that prince he offered his hand to Adelais, the daughter of Geoffrey, duke of Louvain, and niece to Pope Calixtus, a princess whose chief recommendation was her youth and beauty.[7] Their union proved

[1] Ord. 884. [2] Ibid. Hunt. 91.

[3] Se diadema regni amissurum pro certo putabat.—Hunt. Ang. Sac. ii. 699.

[4] She is called Æthelice in the Saxon Chronicle (230); the same name with Adela, Adelais, and Alice. About this period Matilda became a favourite appellation, probably because it was that of the Conqueror's consort. The original name of Henry's queen was Editha, which she afterwards exchanged for Matilda.

[5] Rudborne, 276.

[6] Malms. 93.

[7] Eadmer, 136. Philippe de Thaun, a contemporary poet, calls her "mult bele femme."—MS. Nero. A. 5. Huntingdon sings her praise in the following not inelegant lines:—

Quid diadema tibi, pulcherrima, quid tibi gemmæ?
Pallet gemma tibi, nec diadema nitet:
Ornamenta cave: nec quidquam luminis inde
Accipis: illa micant lumine clara tuo.—Hunt. 218.

without issue; and after a delay of three years, he formed the resolution of settling the crown on his daughter Maud, who had married Henry V. of Germany, and by the death of her husband was lately become a widow. In the pursuit of this object it was necessary for the king to subdue the reluctance both of the princess herself and of the English barons. Maud was unwilling to quit a country in which she possessed a noble dower, for a precarious and disputed succession; and the barons revolted from the idea of a female reign, a species of government new in the annals both of England and Normandy. The empress, however, submitted to the peremptory commands of her father, and was met on her arrival by her uncle David, king of Scotland. The acquiescence of the more powerful barons had been prepared by presents and promises; for greater security, Robert, the captive duke of Normandy, was removed from Devizes to Cardiff, from the custody of the bishop of Sarum to that of Robert of Caen, earl of Gloucester, the king's natural and favourite son; and a general assembly was summoned of the prelates and chief tenants of the crown. Before them Henry lamented the premature death of his son, and proposed his daughter Maud as presumptive heiress to the succession. She united, he observed, in her veins the blood of the Anglo-Saxon with that of the Norman princes. By her mother she was descended, through a long line of sovereigns, from Egbert and Cerdic: her father was the reigning king, and her uncle and grandfather had been the two last monarchs of England. Whatever might be the sentiments of his hearers, no one ventured to incur his resentment by hazarding an objection: the empress was unanimously pronounced the next heir, in the event of her father dying without male issue; and first the clergy, then the laity, swore to maintain her succession. Among the laity the precedence was given to her uncle David, on account of his regal character. The second place was disputed between Stephen, earl of Boulogne, and Robert, earl of Gloucester. The former was the king's nephew by his sister Adela, and had been born in lawful wedlock; the latter was Henry's son, but of spurious birth; and the point to be decided was whether precedence was due to legitimacy of descent, or to proximity of blood. In the present times it would not admit of a doubt; even then, though the reigning family derived its claim from a bastard, the question was determined in favour of Stephen. But these noblemen had in view a secret, and more important object. Notwithstanding the precautions of Henry, the succession of Maud was considered very uncertain: both Stephen and Robert looked forward to the crown; and on that account each was anxious to be declared the first prince of the blood.[1]

The reader has noticed the constant solicitude of Henry to secure the friendship of Fulk, count of Anjou. That nobleman had lately resigned his European states to his eldest son, and had accepted the more brilliant but precarious dignity of king of Jerusalem. Henry offered with eagerness the hand of Matilda to Geoffrey, the reigning earl. The marriage was negotiated in secret; its publication excited the loud complaints of the English and Norman barons. They claimed a right to be consulted in the disposal of their future sovereign; and many declared that they looked on themselves as released from the obligation of their oath by the duplicity of the king. He disregarded their murmurs, and applauded his own policy. The counts of Anjou were

[1] Malmsbury, Novel. 99. Chron. Sax. 231.

now interested in the defence of his transmarine dominions.[1]

Still it was impossible for him to contemplate without disquietude the increasing fame and power of his nephew the earl of Flanders, whose ruin he deemed necessary, both for his own tranquillity and the future security of his daughter. William had justly, but perhaps imprudently, punished the murderers of his predecessor. Their friends sought to be revenged on the new earl: at their suggestion Thierry, landgrave of Alsace, advanced a claim to the succession; and Henry engaged to support him with all the power of England and Normandy. Lisle, Ghent, and several other places were perfidiously surrendered to Thierry; but William displayed his wonted activity and courage, and completely defeated his antagonist under the walls of Alost. Unfortunately, after the battle, and at the very gate of the town, he received a thrust in the hand from the pike of a foot-soldier. The wound was slight, and therefore neglected; a mortification ensued; and the expiring prince was conveyed to the monastery of St. Omer. There, from his death-bed, he wrote to Henry, recommending to the clemency of his uncle the Norman barons, who had followed the fortunes of him whom they deemed their legitimate prince. The king, when he had nothing more to fear from the pretensions of his nephew (for William left no issue), granted his request, and by the affectation of generosity won the attachment of his Norman subjects.[2]

Thus, by the aid of accident and the resources of his own genius, had Henry triumphed over every obstacle that appeared to oppose his wishes. Still it was not his lot to reap the fruit of his labours. The very measure on which he had founded his expectations of tranquillity proved a constant source of disquietude. It was with reluctance that Maud had condescended to marry Geoffrey. To exchange the state of an empress for the lower condition of a countess of Anjou, and to be subjected to the wild and wayward caprice of a boy of sixteen, hurt and irritated her feelings. Geoffrey, on the other part, had inherited the uncontrollable spirit of his progenitors: he disdained to soothe, and made it his aim to subdue the pride of his wife. They quarrelled, separated, and Maud repaired to England to solicit the protection of her father. A year elapsed in fruitless negotiations. At length the earl condescended to express a wish for the return of his wife, and a reconciliation was apparently effected. If the successive births of three grandsons, Henry, Geoffrey, and William, were to the king subjects of joy, he was equally chagrined by the conduct of his son-in-law, who demanded the present possession of Normandy in virtue of a previous promise, and manifested his displeasure at the refusal of Henry by repeated insults. Neither did Maud act the part of a mediatrix. Disliking her husband, she endeavoured to widen the breach by offending Geoffrey herself, and seeking by her reports to irritate her father. These family broils detained the king in Normandy, and occupied his attention during the last years of his reign.[3]

But though he resided so frequently

[1] Malm. 99. Hunt. 919. The father of Fulk was called Plantagenet, probably from his device, a sprig of broom, or plante de genêt. It does not, however, appear to have been assumed as a family name by any of his descendants before the fifteenth century, when Richard, duke of York, was called Richard Plantagenet.—See a memoir by Mr. Nichols in Archæol. xxix. p. 32.

[2] Hunt. 219. Ang. Sac. ii. 697. Chron. Sax. 232. Orderic, 885, 886.

[3] Malm. 100. Hunt. 229. Hov. 275. Orderic, 900. According to Malmsbury, the king sailed for the last time to Normandy

on the continent, and was so anxious to secure his transmarine possessions, he did not neglect the government of his kingdom of England, by far the most valuable portion of his dominions. The administration of justice, and the preservation of the public tranquillity, were objects which he had constantly at heart, and which he earnestly recommended to the vigilance of his officers.

I. It is probable that the Normans despised the courts of law of Anglo-Saxon institution. Henry, however, ordered the ancient county courts and hundred courts to be held on the same days, and during the same terms, and in the same places, as had been the custom before the Conquest; and that all pleas respecting real property, unless the parties were tenants in chief of the crown, should be determined in the courts of the hundred.[1]

II. The severity with which he punished the more flagrant violations of the laws, was a source of terror and amazement to his subjects, who believed him to be the "lion of justice," described in the pretended prophecies of Merlin.[2] When he came to the throne, robbery and rapine were crimes prevalent in every province of the kingdom; before his death they became so rare, that "whosoever," says the Saxon Chronicle in the language of the time, "bore his burthen of gold and silver, no man durst say to him aught but good."[3] On one occasion, when the justiciary, Ralph Basset, held a court at Huncot, in Leicestershire, no fewer than forty-four robbers were condemned and executed.[4] This was in the year 1024, when neither interest nor presents could save the malefactor from death or mutilation; but afterwards, whether it was that the necessity of rigour had decreased with the frequency of crime, or that the love of money began to predominate over the love of justice, pecuniary compensations, which had been abolished in the beginning of Henry's reign, were again accepted in lieu of corporal punishment.[5]

III. Under the Saxon dynasty the licence to coin money had been farmed out to different individuals in the principal boroughs, who with the dies received their instructions from the royal treasury. By the Conqueror and his son Rufus the same custom had been continued; and these persons, by debasing the quality, or diminishing the weight of the silver pennies, amassed considerable wealth, and at the same time screened themselves from punishment by frequent and valuable presents to the monarch. Henry, in the charter which he granted at his accession, had engaged to redress this grievance. By the Saxon laws the offender was condemned to suffer the amputation of the right hand, which, as a memorial of the crime, was affixed with nails to the door of his house. To the loss of the hand or that of the eyes, which he sometimes substituted in its place, the king added the punishment of castration. The in-

on the day of the total eclipse, Wednesday, the fifth of August, in the year 1132, and remained there till his death, three years and four months afterwards. It is singular that in every one of these dates the historian should be incorrect. It was indeed the day of the total eclipse, but that was Thursday, the second of August in 1133; and only two years and four months before Henry's death. Yet there were circumstances to fix the time indelibly in his memory; for he tells us, that during the progress of the eclipse he noticed the appearance of the stars near the sun's place, and that, during the earthquake, which happened the next morning, he observed the walls of the house in which he sat, rise up twice and sink into their former position. But such errors are common in the dates of all our ancient chroniclers.

[1] New Rymer, i. 12.
[2] Bromp. 998. Joan. Salis. Polycrat, vi. 16.
[3] Chron. Sax. 237.
[4] Chron. Sax. 228.
[5] Malm. 91.

habitants of boroughs, the principal merchants of the time, were sworn to watch over the purity of the coin, and to prosecute delinquents; and the same penalty was denounced against those who attempted to pass, as against those who fabricated, pennies of inferior value.[1] Still the evil continued to increase, till, in the twenty-fifth year of his reign, it had become so universal, that hardly one penny in twelve was taken in the market. The royal indignation now fell on the coiners. By a general precept they were all summoned to appear at the court of Exchequer in Winchester. Each in rotation was examined before the bishop of Salisbury, the treasurer, who, if he judged him guilty, ordered him to be taken to a neighbouring apartment, where he immediately suffered the punishment prescribed by law. Of more than fifty who obeyed the summons, four only escaped.[2] The severity would, it was hoped, intimidate the future fabricators of money; and we may presume that to remedy the evil of the moment a new coinage was issued, and the whole withdrawn from circulation.[3]

IV. Another grievance, which had been constantly increasing during the two last reigns, had grown out of the royal claim of purveyance. Whenever the king moved from place to place, he was attended by a number of prelates, barons, and officers; each of whom was followed by a long train of dependants. All these expected to be maintained at the expense of the country through which they passed. Hence the progress of the court was like the progress of a hostile army; and the devastation which the king's followers are said to have caused would hardly deserve credit, were it not attested by contemporary and unexceptionable writers. They were accustomed to enter without ceremony the houses of the farmers and husbandmen; to live at free quarters; and in the insolence of superiority, to sell, burn, or waste, what they could not consume. The miserable inhabitants saw their corn and cattle carried away, and their wives and daughters insulted before their faces; and, if they dared to remonstrate, their presumption was punished, often by the conflagration of their houses, sometimes by mutilation, and occasionally by death. Hence the approach of the king to any district was a signal to the natives to conceal their effects, and flee to the woods; and the solitude of the country wherever he turned, at length convinced him of the magnitude of the evil, and warned him to apply an effectual remedy. A commission of judges was appointed; the attendants on the court were examined before them; and the more guilty were punished by the loss of an eye, or of a hand, or of a foot. The fate of these delinquents impressed a salutary terror on their fellows, and similar enormities were seldom repeated during the remainder of the king's reign.[4]

V. If Henry thus relieved his sub-

[1] Leg. Sax. 305. Hov. 274. New Rymer, i. 12. [2] Chron. Sax. 228, 229.

[3] The pennies had hitherto borne on the reverse the impression of a cross, which divided them into halves and quarters, and for convenience they were occasionally cut according to the lines of this cross into half-pennies and farthings. As many persons refused to take good silver after the penny had been cut, the king ordered that for the future both half-pennies and farthings should be coined circular, like the pennies, and be in that form a legal tender which no one should refuse with impunity.—Eadmer, 94. Sim. 254, whose text should be corrected from Hoveden, 270.

[4] Chron. Sax. 212. Malm. 91. Eadmer, 94. Quæ justitia in pluribus visa, cæteros integritatem sui amantes, ab aliorum læsione deterrebat.—Ibid. From this and similar expressions in our ancient writers, it would appear that the punishment of mutilation was thought more useful than of death. The latter might strike more at the mo-

jects in general, he was equally just to the complaints of his own tenants. It has been already observed that in most counties a considerable portion of land was the property of the crown, the occupiers of which were bound to pay their rents in kind for the support of the royal household. This obligation imposed on the tenants, what they deemed a heavy burthen, the necessity of transporting in many cases the produce of their farms to a considerable distance; but it was soon commuted for another, which they found it still more difficult to support.

After the king began to reside principally on the continent, payments in kind were no longer wanted, and payments in money were demanded. Had these been determined according to an equitable rate, the change would have been a benefit: but they were left to the discretion or caprice of the royal officers, who were careful to enrich themselves by the oppression of the tenants. The latter harassed the king with repeated remonstrances, and on some occasions surrendered to him their ploughs, as a proof of their inability to continue the labours of agriculture under the existing burthens. Henry consulted his ministers, and a remedy was easily devised. A new survey was made of the royal demesnes; a certain and equitable rent in money was fixed by the commissioners; and the tenants were ordered to account annually with the sheriff, whose duty it was to pay the receipts into the exchequer.[1]

VI. It should, however, be observed, that the equity and humanity of the king were of a very questionable description. As long as his own interests were not concerned, he showed no reluctance to check or punish the exactions or rapacity of others; but in the pursuit of his own aggrandizement, he scrupled not to trample on every consideration of justice, and to sport with the fortunes and happiness of his subjects. His system of continental policy involved him in enormous expenses; for money was the principal weapon with which he fought; and he had seldom recourse to arms, till he had tried the efficacy of bribes and promises. Hence he was constantly haunted with apprehensions of poverty; and his ministers were employed in devising the means to acquit his past, and to provide for his future engagements. The danegelt, at the rate of twelve pennies in the hide, was continued during the whole of his reign: an additional aid of three shillings per hide was required on occasion of the marriage of his daughter Matilda; and yearly complaints of new and excessive exactions may be read in almost every page of the Saxon annalist.[2] The science of taxation was then in its infancy. To ease, by equalizing the burthen, never entered into the thoughts of the financiers of the age: a certain sum of money was wanted by the king; it was wrung by the strong hand of power from the reluctant grasp of the subject. The collectors, says Eadmer, seemed to have no feelings of humanity or justice. If a man were without money, he was cast in prison, or forced to flee from the country; his goods were sold; the doors of his house carried away; and the slender remains of his property exposed to the mercy of every passenger. If a man had money, he was harassed with threats of prosecution for imaginary offences, till he had surrendered all that he possessed;

ment; but the sight of it was confined to few, and the impression which it made was soon obliterated. But the culprit who had suffered mutilation carried about with him the evidence of his punishment during life, and daily admonished all who saw him of the consequence of violating the laws.

[1] Vid. Seld. Spicil. ad Eadm. 216, 217.

[2] Chron. Sax. 211, 212, 213, et seq. Hunt. 217, 218, 219. Bromp. 1001.

for no one dared to enter into litigation with his sovereign, or, by refusing to pay the present demand, subject himself to the immediate loss of his whole property. Yet, adds the historian, there are many who will think little of such enormities; so much have we been habituated to them under the two last monarchs.[1]

The ecclesiastical history of this period furnishes numerous instances of royal rapacity. In the charter which the king had published at his accession he solemnly engaged neither to sell the vacant benefices, nor to apply their profits to his own use. This promise was violated as soon as it could be done with impunity. That the crown might enjoy the episcopal revenues, the bishoprics of Norwich and Ely were kept without prelates for three, those of Canterbury, Durham, and Hereford, for five, years. At his coronation he had promoted to the see of Winchester his chancellor, William Gifford. Soon afterwards he extorted from the new prelate the sum of eight hundred marks. He valued the revenue of Lichfield at three thousand marks, and compelled Roger, the nephew of Geoffrey Dedington, to pay that sum before he would name him to the bishopric. Gerold had been made abbot of Tewkesbury. Unable to satisfy the repeated demands of the king, he was necessitated to resign his abbey. Gilbert bishop of London had acquired the reputation of a careful and opulent prelate. At his death all his treasures were seized for the benefit of the crown.[2] From the manner in which these iniquitous proceedings are casually mentioned by the contemporary writers, we may reasonably infer that they were not of very rare occurrence.

I will add another, and more singular instance. The reader has already noticed the attempt of archbishop Dunstan to restore, during the reign of Edgar, the ancient discipline of the celibacy of the clergy. The execution of the canons which he published on that subject was suspended during the invasion of the Danes under Sweyn, and was afterwards neglected under Canute and his successors. When Lanfranc had been promoted to the see of Canterbury, he resolved to imitate the conduct of Dunstan, but at the same time was careful to temper his zeal with moderation. In a synod, which he convened at Winchester in 1075, the village curates who were married received permission to retain their wives; but the obligation of celibacy was imposed on the higher and conventual clergy, and a vow of continency was required from all future candidates for the orders of deacon and priest.

At the distance of six-and-twenty years another synod was held at Westminster by archbishop Anselm. Here it was enacted that every priest and deacon should be obliged to observe the promise which he had made at his ordination, and that all future subdeacons should be subjected to the same restraint.[3] To Henry it was suggested that this canon might be converted into a source of revenue. A commission was in consequence appointed, with orders to inquire into the conduct of the clergy, and to impose a heavy fine on every individual who might be found to have transgressed the regulation of the synod. The result showed that the number of offenders was too small to raise any considerable sum; but the king, that his expectations might not be defeated,

[1] Ead. 83. "God knows," says the Saxon chronicler, "how unjustly this miserable people is dealt with. First they are deprived of their property, and then they are put to death. If a man possesses any thing, it is taken from him: if he has nothing, he is left to perish by famine."—Chron. Sax. 228.

[2] Sim. Dunelm. 62, 256. Ang. Sac. i. 297, 304, 408, 609; ii. 698. Ead. 109.

[3] Ead 67.

ordered a certain fine to be levied on every parochial clergyman, without regard to his guilt or innocence. With its amount we are not acquainted; but the consequences prove that it must have been excessive. Some, through indignation at the injustice of the measure, refused, others, through poverty, were unable to pay. Both classes were imprisoned and tortured. Their brethren, who remained at liberty, appealed to the clemency of the king. To the number of two hundred, with their feet bare, and clad in the appropriate dress of their respective orders, they met him in one of the streets of London. He turned from them with expressions of insult. They next implored the intercession of the queen, but Matilda, with tears in her eyes, assured them that she did not dare to interfere.[1]

The most important controversy in which Henry was engaged with the court of Rome regarded the admission of the papal legates. On the one side it was contended that the Pope, in quality of universal pastor, had the right to inquire by confidential ministers into the state of the church in distant countries; and that the abuses which had arisen from the prevalence of simoniacal elections imperiously required the exercise of that right. On the other it was alleged, that by the grants of former Popes, the archbishop of Canterbury was entitled to the authority of papal legate within the kingdom; and that no instance was known of such authority having been exercised by a foreign ecclesiastic, unless it were at the express request of the sovereign.[2] This answer was but partially correct. In the earliest ages of the Anglo-Saxon Church, we find the archbishop of Canterbury invested with the title of envoy of the Apostolic See;[3] but the history of the same ages furnishes several instances of legates, who were sent from Rome to reform the English clergy, and who in virtue of the papal commission assembled councils and promulgated laws of ecclesiastical discipline.[4] The question was debated during a great portion of Henry's reign. Some legates were induced by threats or promises to return without attempting to land. Others were received and introduced to the king, who by gifts and remonstrances prevailed on them to waive the exercise of their authority. Perhaps they were unwilling to offend a prince who loaded them with presents; perhaps they feared to compromise their character, by entering into a contest of doubtful issue. At length Paschal II. sent an earnest expostulation to the king and the prelates; he complained that without the royal licence neither his letter nor envoys were admitted into the kingdom; that no causes or appeals were carried before the Apostolic See; and that in consequence, men of worthless character were promoted to benefices, and by their conduct encouraged the growth of those abuses which it was their duty to extirpate.[5] This expostulation was followed by a legate of the name of Anselm. On his arrival in Normandy, the English bishops were hastily assembled; and by their advice Ralph, the metropolitan, undertook a journey to Rome, to plead in person the privileges of his church. After an absence of two years he returned. Sickness and the wars in Italy had prevented him from seeing

[1] Ead. 83, 84. Some years later he adopted a different plan. The bishops in a council at London requested him to enforce the celibacy of the clergy by royal authority. He accepted the office, and abused their confidence. In order to raise money, he publicly sold to any, who were willing to buy, a licence to transgress the canons.—Hov. 274. Hunt. 220. Chron. 234.

[2] Ead. 58, 118, 126.

[3] Edd. Vit. Wilf. c.li.

[4] Bed. iv. 18. Wilk. Con. i. 146.

[5] Ead. 112, 116.

the pontiff, and he brought with him no more than an evasive letter, in which, though the privileges of the church of Canterbury were confirmed, no mention was made of the real point in dispute.[1] If we may believe our national historians, the king was more successful than his archbishop; and in an interview with Calixtus, the second of the successors of Paschal, at Gisors, obtained the confirmation of the privilege for which he contended.[2] There is, however, reason to doubt the accuracy of this statement; for after a short interval, the Cardinal Peter, the son of a powerful Roman prince, arrived in France with the lofty title of legate of the Apostolic See in the Gauls, in Britain, in Ireland, and in the Orkneys. Henry received him with much ceremony in London, but observed to him, that he would never surrender the rights of his crown; that were he inclined to do so, still it would be necessary to obtain the consent of the prelates, the barons, and the whole kingdom; and that it was impossible to convene such an assembly as long as the nation was engaged in hostilities with the Welsh. Peter assented to the reasons of the king; and on his return to the coast was attended by a numerous escort, and gratified with valuable presents.[3] Calixtus appears to have been dissatisfied with the conduct of this legate, and appointed the cardinal John of Crema, to succeed him in the same capacity. His mission was delayed by the death of the pope; but on a renewal of the appointment by Honorius II. he advanced as far as Normandy, where he was detained by the orders of Henry. After a long negotiation he obtained permission to proceed; traversed the kingdom in great pomp, and met the king of Scotland at Roxburgh. There he held a synod of Scottish bishops, to inquire into the controversy between them and the archbishop of York, who claimed metropolitical jurisdiction over their churches.[4] In his return he presided at Westminster in a council of the English prelates, with forty abbots and most of the other dignitaries. Seventeen canons of discipline were enacted at his suggestion, the object of which was to enforce the celibacy of the clergy, and to abolish simoniacal elections and contracts.[5] William, archbishop of Canterbury, accompanied Crema in his return to Rome; and, though he could not prevail on the pontiff to surrender his claim of sending envoys to the English church, obtained for himself a grant of the legatine authority both in England and Scotland.[6] Soon afterwards he convoked a national synod, and published several canons of discipline, similar in substance to those of Crema; but with some variations, that they might not appear to rest on the authority of that cardinal. When Honorius died, the succession to the papacy was disputed between two competitors, Innocent

[1] Ead. 120.
[2] Ibid. 125, 126.
[3] Ead. 137, 138.
[4] Sim. 252.

[5] The name of Crema has been rendered infamous by the pen of Huntingdon, who maintains in the most positive terms that on the very night of the dissolution of the council he was detected in the commission of the offence which he had so severely condemned in others. Cum meretrice interceptus est. Res apertissima negari non potuit.—Hunt. 219. The same story is told, on the authority of Huntingdon, by Hoveden (264), Brompton (1015), and Hemingford (276). It is, however, singular that he should be the only contemporary writer who mentions the fact. It seems to have been unknown to the continuator of Florence, who relates in detail the acts of the synod (661); and to Simeon, who adds many other particulars of Crema's legation (252); and also to Gervase, whose enmity to the cardinal paints itself in the strongest colours (1663). The tales of the later writers, Westminster (240), and the monk of Winchester (Ang. Sac. i. 291), are too ridiculous to deserve mention.

[6] See the bull in Wharton (Ang. Sac. i. 792), though he supposes, erroneously, that it was prior to the legation of Crema.

and Anaclet; and Henry, in opposition to the advice of his bishops, was persuaded by the celebrated St. Bernard to espouse the cause of the former. He met Innocent at Chartres, fell at his feet, and promised him the obedience of a dutiful son.[1] This pontiff confirmed the grant of his predecessor to the archbishop of Canterbury, who, in quality of metropolitan and legate, continued to govern the English church during the remainder of Henry's reign.[2]

Robert, the unfortunate duke of Normandy, had now spent eight-and-twenty years in captivity. According to some historians he bore his confinement with impatience; and by an unsuccessful attempt to escape, provoked his brother to deprive him of sight.[3] For the honour of human nature we may hope that the latter part of the account is false; the more so, as it is not supported by contemporary authority. If Henry may be believed, the reader has already heard him boast of the splendour and comfort enjoyed by his captive; and Malmsbury (but Malmsbury wrote to the son of Henry, and therefore was disposed to panegyrize the father) seems to confirm this statement, when he assures us that the duke was allowed every indulgence compatible with his condition as a prisoner.[4] Robert died at the age of eighty in the castle of Cardiff in Wales.[5]

Henry did not survive his brother more than a year. He had been hunting near St. Denis le Froment, in Normandy, and at his return was seized with an acute fever. On the third day, despairing of his recovery, he sent for the archbishop of Rouen, from whom he received the sacraments of the eucharist and extreme unction. The earls of Gloucester, Surrey, and Leicester, and the rest of the nobility assembled round his bed, and in their presence he pronounced his last will. I bequeath, he said, all my lands on both sides of the sea to my daughter Matilda and her heirs for ever; and I desire that, when my debts have been discharged, and the liveries and wages of my retainers have been paid, the remainder of my effects may be distributed to the poor. On the seventh day of his illness he expired. His bowels were deposited in the church of St. Mary at Rouen, which had been founded by his mother; his body was conveyed to England, and interred in the abbey of Reading.[6]

A contemporary writer has left us the character of Henry as it was differently drawn by his friends and enemies after his death. By the former he was ranked among the wisest, richest, and bravest of our monarchs; the latter loaded his memory with the reproach of cruelty, avarice, and incontinence.[7] To an indifferent observer, at the present day, his reign

[1] Bern. Bonæval. inter. op. S. Bern. 1991. Suger, Vit. Lud. Cras.

[2] Wharton (Ang. Sac. i. 792) is very severe on the memory of this prelate, whom he accuses of having, by the acceptance of the legatine authority, subverted the independence of his church, and enslaved it to that of Rome. Had William indeed believed, with Wharton, that the pope previously possessed no jurisdiction in England, he would have deserved this censure; but he acknowledged, like his predecessors, the papal authority (see Malm. 112—116), and, if he objected to the admission of foreign legates in England, it was, not because the church of Canterbury was independent, but because the authority of legate had been previously granted by the popes to the archbishop of Canterbury. Inauditum scilicet in Britannia cuncti scientes, quemlibet hominem supra se *vices apostolicas gerere* nisi solum archiepiscopum Cantuariæ.—Ead. 58. See the grants to the archbishops Tatwine, Plegmund, and Dunstan, in Malmsbury de Pont. ii. 116.

[3] Paris, 52.

[4] Malm. 87.

[5] Orderic, 893, 900.

[6] Malm. 100. Orderic, 901. Epist. Pet. vener. ad Adelard. apud Bouquet, xv. 632.

[7] Hunt. 221. Rex maximus cujus ad justitiam omnes fere principes invitantur exemplo, cujus in pauperes munificentiam, liberalitatem in omnes, cuncti reges mirari possunt potius quam velint aut valeant imitari.—Bouquet, xiv. 248.

will offer little worthy of praise, unless it be the severity with which he punished offences. This was a real benefit to his people, as it not only contributed to extirpate the robbers by profession, but also checked the rapacity and violence of the barons. Still his merit will be very equivocal. As long as each conviction brought with it a fine or forfeiture to the royal exchequer, princes were stimulated to the execution of the laws by a sense of personal interest.[1] Henry, at the same time that he visited the injustice of others, scrupled not to commit injustice himself. Probably in both cases he had in view the same object, his own emolument.

The great aim of his ambition was to aggrandize his family by augmenting his possessions on the continent. His success in this favourite project obtained for him the reputation of political wisdom: but it was purchased at the expense of enormous sums wrung from a suffering and impoverished people. If, however, the English thus paid for acquisitions in which they had little interest, they derived from them one advantage: the king's attention to foreign politics rendered him anxious to preserve peace with his more immediate neighbours. He lived on the most friendly terms with Alexander and David, successively kings of Scotland. The former had married his natural daughter Sybilla; both were the brothers of his wife Matilda. It was more difficult to repress the active and predatory disposition of the Welsh; but as often as he prepared to chastise their presumption, they pacified his resentment by submission and presents. As a check to this restless people, he planted among them a powerful colony of foreigners. Many natives of Flanders had found settlements in England under the protection of his mother Matilda; and the number was now doubled by a crowd of emigrants, who had been driven from their homes by an inundation of the Rhine. Henry placed them at first on the right bank of the Tweed; but afterwards collecting the old and new comers into one body, allotted to them for their residence the town of Haverfordwest with the district of Ross, in Pembrokeshire. They were a martial and industrious people; by attention to the cultivation of the soil and the manufacture of cloth, they grew in numbers and opulence; and under the protection of the English kings, to whom they always remained faithful, defeated every attempt of the Welsh princes to root them out of the country.[2]

Henry was naturally suspicious, and this disposition had been greatly encouraged by his knowledge of the clandestine attempts of his enemies. On one occasion the keeper of his

[1] The reader will hereafter see this fully exemplified in the commissions given to the justiciaries.

[2] Malm. 68, 89. Gerv. 1349. Bromp. 1003. Giral. Itin. Camb. 848. Henry on two occasions had entered Wales with an army; on both his presence alone was sufficient to subdue all opposition.—Chron. Sax. 217, 223. Sim. 245. He carried the exercise of his sovereignty further than any of his predecessors, naming to the Welsh bishoprics, and compelling the new prelates to receive consecration from the archbishops of Canterbury. The bishops of St. David's, who had long exercised metropolitical jurisdiction over the greater part of Wales, submitted with much reluctance. Sometimes, by appealing to the pope, they reclaimed their ancient rights, but were always defeated by the superior power of their adversaries. It has been said that Henry subjected the Welsh church to the Church of Rome; but in the pleadings the Welsh bishops complain that the king had subjected their church to the church of Canterbury, whereas it had never before been subject to any church but that of Rome. Usque ad Regem Henricum qui ecclesiam Walensicam ecclesiæ Anglicæ supposuit, totam metropoliticam dignitatem præter usum pallii ecclesia Menevensis obtinuit, nulli ecclesiæ prorsus nisi Romanæ tantum, et illi immediate, sicut nec Scotica, subjectionem debens.—Giral. de Jure Menev. Eccl. 541.

treasures was convicted of a design on his life; on another, while he was marching in the midst of his army towards Wales, an arrow from an unknown hand struck him on the breast, but was repelled by the temper of his cuirass.[1] Alarmed by these incidents, he always kept on his guard, frequently changed his apartments, and when he retired to rest, ordered sentinels to be stationed at the door, and his sword and shield to be placed near his pillow.[2]

The suspicious are generally dissembling and revengeful. Henry seldom forgot an injury, though he would disguise his enmity under the mask of friendship. Fraud, and treachery, and violence, were employed to ensnare those who had greatly offended him; and their usual portion was death, or blindness, or perpetual imprisonment.[3] After his decease it was discovered that his cousin, the earl of Moretoil, whom he had long kept in confinement, had also been deprived of sight.[4] Luke de Barré, a poet, who had fought against him, was made prisoner at the close of the last war, and sentenced by the king to lose his eyes. Charles the Good, earl of Flanders, was present, and remonstrated against so direful a punishment. It was not, he observed, the custom of civilized nations to inflict bodily punishment on knights who had drawn the sword in the service of their lord. "It is not," replied Henry, "the first time that he has been in arms against me. But what is worse, he has made me the subject of satire, and in his poems has held me up to the derision of my enemies. From his example let other versifiers learn what they may expect if they offend the king of England." The cruel mandate was executed; and the troubadour, in a paroxysm of agony, bursting from the hands of the officers, dashed out his brains against the wall.[5]

His dissimulation was so well known that he was mistrusted even by his favourites. When Bloet, bishop of Lincoln, who had for many years been one of his principal justiciaries, was told that the king had spoken of him in terms of the highest commendation; "Then," he replied, "I am undone, for I never knew him praise a man whom he did not intend to ruin." The event justified his apprehensions. In an unguarded moment the prelate had boasted that the monastery which he was building at Eynesham should equal that which Henry had founded at Reading. The words were carried to the king, and the fall of the favourite was consummated. He was immediately deprived of the office of justiciary; vexatious prosecutions were commenced against him, by fines and extortions all his wealth was drawn to the royal exchequer, and the bishop would probably have been compelled to resign his dignity, had he not died by a sudden stroke of apoplexy, as he was speaking to Henry.[6]

Malmsbury has allotted to the king the praise of temperance and continency.[7] Perhaps his claim to the first, certainly his claim to the second, of these virtues, rests on no other ground than the partiality of his panegyrist. If, as many writers affirm, his death was occasioned by the excess with which he ate of a dish of lampreys, we may fairly doubt of his temperance; nor can the continency of that man be much commended, who is known to have been

[1] Malm. 89, 91.

[2] Suger, Vit. Lud. Gross. 112.

[3] Blandus odii dissimulator, sed pro tempore immodicus retributor.—Malm. 88. Multos proditione cepit, multos dolose interfecit.—Hunt. in Ang. Sac. ii. 699.

[4] Hunt. 221.

[5] Orderic, 880, 881.

[6] Hunt. Ang. Sac. 695. Pet. Bles. 127.

[7] Malms. 91.

attached to several mistresses, and of whose illegitimate children no fewer than seven sons and eight daughters lived to the age of puberty.[1] Of the sons, Robert Caen, earl of Gloucester, was chiefly distinguished by his father. He will claim the attention of the reader in the following reign.

The king's principal ministers were Roger, bishop of Salisbury, and Robert, earl of Mellent. Roger had constantly adhered to Henry in all the vicissitudes of fortune which that prince experienced before his accession; it was natural that he should rise to eminence when his patron became a rich and powerful monarch. By the chapter of Salisbury he was chosen bishop of that see; by the king he was appointed grand justiciary of the kingdom. On the plea that the two offices were incompatible with each other, he declined the latter, till his scruples were removed by the joint authority of the pontiff and the metropolitan. To his episcopal duties he devoted the more early part of the day; the remainder was given to the affairs of state; and it is no weak argument of his merit, that though he was many years the minister of a rapacious monarch, he never incurred the hatred of the people. Whenever Henry left the kingdom, the bishop of Sarum was appointed regent; and in that capacity discharged the duties of government for years together, to the satisfaction of his sovereign.[2]

While the internal administration was confided to this prelate, the department of foreign politics exercised the abilities of the earl of Mellent. He attended the king in all his expeditions into Normandy, and acquired the reputation of being the first statesman in Europe. Princes and pontiffs courted his friendship; Henry himself, though he perceived it not, was supposed to be governed by him; and his possessions in England, Normandy, and France received daily augmentations from his violence and rapacity. Nor was his authority confined to the concerns of government; he had usurped the empire of taste; and every fashionable courtier imitated the dress and manners of the earl of Mellent. His last illness was induced or irritated by vexation of mind. He had resolved to augment his wealth by marriage with an opulent heiress; but his expectations were defeated by the superior address of a rival. On his deathbed he sent for the archbishop of Canterbury; and when that prelate exhorted him to prepare for a future life by repairing the injustices which he had committed in this, he hastily replied: "I will leave to my children whatever I have acquired. Let them do justice to those whom I have injured." It is superfluous to add that justice was never done.[3]

These two ministers, as well as every other officer trusted by the king, were foreigners. He felt no gratitude for the services, and held in no estimation, the abilities, of his native subjects. If in the hour of danger he appealed to their fidelity, during the time of prosperity he treated them with the most marked contempt. They were carefully excluded from every office of power or emolument, whether in church or state. The most slender recommendation was sufficient to qualify a stranger, were he Italian, French, or Norman; no services, no talents could expiate in an Englishman the original sin of his nativity.[4]

Henry, if we consider the value of money at that period, was immensely rich. On occasions of ceremony, when

[1] See their names in Speed (481), Duchesne (1072), and Sandford (Geneal. Hist. 30—33). [2] Chron. Sax. 224, 5, 6. Malm. 91. Hunt. Ang. Sac. ii. 700.

[2] Malm. 90. Hunt. Ang. Sac. ii. 698.

[4] Si Anglus erat, nulla virtus ut honore aliquo dignus judicaretur, eum poterat adjuvare.—Ead. 94, 110.

he wore his crown, he imitated the parade of the eastern monarchs; and before him on a table were displayed the most precious of his treasures, particularly two golden vases of extraordinary dimensions, and elegantly enchased with jewels.[1] After his death, his successor found in the exchequer, besides the plate and gems collected by Henry and his two predecessors, one hundred thousand pounds of pennies, all of just weight, and of pure silver.[2] So much wealth had enabled him to indulge his taste for architecture; and while the castles which he raised on the borders of Wales contributed to the protection of the country, by repairing or rebuilding most of the royal palaces, he provided for the comfort and splendour of himself and his successors. At Woodstock he enclosed a spacious park for deer, and added a menagerie for wild beasts, among which Malmsbury mentions lions, leopards, lynxes, camels, and, what appears to have chiefly attracted the notice of the historian, a porcupine.[3] But his religious foundations principally displayed his magnificence. These were three monasteries, two for regular canons at Chichester and Dunstable; and one for monks of the order of Cluni, situated at Reading, near the conflux of the Thames and the Kennet, where the great roads of the kingdom intersected each other. The wealth with which Henry endowed this establishment did not seduce the monks from the rigid observance of their rule. It was their custom to offer hospitality to all who passed by their convent; and it was believed that in the entertainment of strangers they annually expended a much larger sum than was devoted to their own maintenance.[4]

Before I close the history of this prince, and proceed to the turbulent reign of Stephen, it will be proper to notice the rapid improvement of the nation in literary pursuits under the Conqueror and his sons. Lanfranc and Anselm, the two archbishops of Canterbury, had proved themselves worthy of their exalted station. The superior knowledge of the former was universally admitted: the attainments of his successor were of a still higher class. Both in their more early years had exercised the profession of teachers; and their precepts and example had awakened the curiosity of the clergy, and kindled an ardour for learning which can hardly be paralleled in the present age. Nor did this enthusiasm perish with its authors: it was kept alive by the honours which were so prodigally lavished on all who could boast of literary acquirements. The sciences, which formed the usual course of education, were divided into two classes, which still retained the appellations of a more barbarous age, the trivium, comprising grammar, logic, and rhetoric, and the quadrivium, or music, arithmetic, geometry, and astronomy. It was from the works of the Latin writers, which had survived the wreck of the empire, that students sought to acquire the principal portion of their knowledge; but in the science of medicine, and the more abstruse investigations of the mathematics, the ancients were believed inferior to the Mohammedan teachers; and many an Englishman, during the reign of Henry, wandered as far as the banks of the Ebro in Spain, that he might listen to the instructions, or translate the works, of the Arabian philosophers.[5]

To the praise of the popes it must

[1] They afterwards fell into the hands of Theobald, earl of Blois.—Bern. Bonæval. in Vit. S. Bern. 2011.

[2] Malm. Novel. 101.

[3] Malm. 91. Rad. Dic. 505.

[4] Malm. 92. Pet. Bles. 126. Joan. Hagul. 258. Chron. de Dunstap. 677.

[5] See Pet. Clun. ep. in Bibliothecâ Clu-

be said that, even in the middle ages they were generally attentive to the interests of learning. The first schools had been established in monasteries and cathedrals by the zeal of their respective prelates; that they were perpetuated and improved, was owing to the regulations issued by different pontiffs. But now the ancient seminaries began to be neglected for others opened by men, who sought for wealth and distinction by the public display of their abilities; and who established their schools wherever there was a prospect of attracting disciples. The new professors were soon animated with a spirit of competition, which, while it sharpened their faculties, perverted the usefulness of their labours. There was no subject on which they would condescend to acknowledge their ignorance. Like their Arabian masters,[1] they discussed with equal warmth matters above their comprehension, or beneath their notice. As their schools were open to every hearer, they had to support their peculiar opinions against all the subtlety and eloquence of their rivals; and on many occasions were compelled to argue in despite of common sense, rather than allow themselves to be vanquished. Hence the art of reasoning came to be valued as the first of intellectual acquirements. The student applied assiduously to the logic of Aristotle, and the subtleties of his Arabian commentators; words were substituted in the place of ideas; multiplied and unmeaning distinctions bewildered the understanding; and a system of scholastic disputation was introduced, which the celebrated abbot of Clairvaux sarcastically defined to be "the art of always seeking, without ever finding, the truth."

As the principal ecclesiastics in England were foreigners, they imported the foregn course of studies. Thus Joffrid, abbot of Croyland, procured teachers from Orleans, where he had been educated, and established them at Cotenham, a manor belonging to his convent. His object was to open, with their assistance, a school in the neighbouring town of Cambridge. At first a large barn sufficed for their accommodation: in the second year their disciples were so numerous, that separate departments were allotted to each master. Early in the morning the labours of the day were opened by Brother Odo, who taught the children the rules of grammar according to Priscian; at six Terric read lectures on the logic of Aristotle; nine was the hour allotted to Brother William, the expounder of the rhetorical works of Cicero and Quintilian; and before twelve Master Gilbert explained to the theological students the difficult passages of the Holy Scriptures. This account, if it be genuine, discloses the real origin of the university of Cambridge.[2]

There were few among the scholars of Henry's reign who did not occasionally practise the art of composing in Latin verse. A few of them may certainly claim the praise of taste and elegance; but the majority seem to have aspired to no other excellence

niacensi, 1109, 1118, and Athelherdi quæstiones naturales perdificiles. MS. Galba. E. 4.

[1] Thus we learn from Athelheard, that if he had studied among the Moors the causes of earthquakes, eclipses, and tides, he had also been employed in investigating the reasons why plants cannot be produced in fire, why the nose is made to hang over the mouth, why horns are not generated on the human forehead, whether the stars are animals, whether in that hypothesis they have any appetite, with many other questions equally singular and important.—See Athelheard's Questiones, ibid.

[2] Pet. Bles. 114. From the mention of the Arabian Averroes, whose works were not then in existence, it has been suggested, that the whole passage is a forgery, designed to exalt the antiquity of Cambridge. It is, however, probable that for such a purpose an earlier date would have been chosen; and the name of Averroes may have been added in the margin, and thence have slipped into the text.

than that of adulterating the legitimate metre by the admixture of middle and final rhymes. Latin productions, however, were confined to the perusal and admiration of Latin scholars. The rich and the powerful, those who alone were able to reward the labours of the poet, were acquainted with no other language than their own, the Gallo-Norman, which since the Conquest had been introduced into the court of the prince and the hall of the baron, and was learned and spoken by every candidate for office and power. To amuse and delight these men arose a new race of versifiers, who neglected Latin composition for vernacular poetry. In their origin they were fostered by the patronage of the two queens of Henry, Matilda and Alice. Malmsbury assures us that every poet hastened to the court of Matilda at Westminster, to read his verses to that princess, and to partake of her bounty; and the name of Alice is frequently mentioned with honour by the contemporary versifiers, Gaimar, Beneoit, and Philippe de Thaun. The works of these writers are still extant in manuscript,[1] and show that their authors knew little of the inspiration of poetry. The turgid metaphors, the abrupt transitions, and the rapid movements, so characteristic of the Anglo-Saxon muse, though conceived in bad taste, showed at least indications of native genius; but the narratives of the Gallo-Norman poets are tame, prosaic, and interminable; and their authors seem to have known no beauty but the jingle of rhyme, and to have aimed at no excellence but that of spinning out their story to the greatest possible length. These poems, however, such as they were, delighted those for whom they were written, and, what was still better, brought wealth and popularity to their authors.

During the reign of Henry, Geoffrey of Monmouth published his History of Britain, which he embellished with numerous tales respecting Arthur and his knights, and Merlin and his prophecies, borrowed from the songs and traditions of the ancient Britons. This extraordinary work was accompanied by another of a similar description, the History of Charlemagne and his twelve peers, supposed to be compiled by Archbishop Turpin, from the songs of the French trouveres; and about the same time the adventures of Alexander the Great, by the pretended Dares Phrygius, and Dictys Cretensis, were brought by some of the crusaders into Europe. These three works supplied an inexhaustible store of matter for writers in verse and prose; the gests of Alexander, and Arthur, and Charlemagne, were repeated and embellished in a thousand forms: spells and enchantments, giants, hippogriffs, and dragons, ladies confided in durance by the power of necromancy, and delivered from confinement by the courage of their knights, captivated the imagination of our ancestors; and a new species of writing was introduced, which retained its sway for centuries, and was known by the appellation of *Romance*, because it was originally written in the Gallic idiom, an idiom corrupted from the ancient language of *Rome*.[2]

[1] Cotton Lib. Nero, A. 5. Bib. Reg. 13, A. 21. MSS. Harl. 4482.

[2] See the Archæologia, vols. xii. xiii.

CHAPTER II.

STEPHEN.—A.D. 1135.

CONTEMPORARY PRINCES.

Emp. of Germ.	*K. of Scotland.*	*K. of France.*	*K. of Spain.*
Lothaire II....1138	David I.....1153	Louis VI.....1137	Alphonso VIII.
Conrad III.....1152	Malcolm IV.	Louis VII.	
Frederic I.			

Popes.

Innocent II. 1143. Celestin II. 1144. Lucius II. 1145.
Eugenius III. 1153. Anastasius IV.

ACCESSION OF STEPHEN—INVASION OF THE SCOTS—BATTLE OF THE STANDARD—MATILDA LANDS—STEPHEN IS MADE PRISONER—MATILDA BESIEGED—STEPHEN RELEASED—MATILDA LEAVES THE KINGDOM—PRINCE HENRY ASSERTS THE CLAIM OF HIS MOTHER—COMPROMISE BETWEEN HIM AND THE KING—DEATH OF STEPHEN—DISTRESS DURING HIS REIGN.

As long as the law of hereditary succession was not definitively settled, the decease of the sovereign in every feudal government was invariably followed by an interval of rapine and confusion. Till a new king had ascended the throne, and received the homage of his subjects, it was assumed that there could be no violation of "the king's peace:" and in consequence of this mischievous doctrine, the execution of justice was suspended, the artificial bonds of society were loosened, family feuds were revived, and the most lawless outrages were perpetrated in the face of day, and without the apprehension of punishment. As soon as the death of Henry was known, both England and Normandy exhibited the usual features of disorder and licentiousness: but in England the violence of the people took a new course, and directed all its efforts to the destruction of the royal forests. Henry's passion for the chase had led him to the exercise of the most vexatious tyranny. As if the enjoyment of others must diminish his own, he had forbidden his barons to hunt even on their own estates without his special permission. He had ordered his officers to claim the waste lands belonging to individuals as the property of the crown; and if these, on some occasions, were returned to their owners on the payment of a fine, they had been on many others definitively adjudged to the sovereign. He had augmented and multiplied the forests, and by the most cruel punishments protected them from the encroachments of men or hounds.[1] The whole country, says a contemporary historian, was covered with beasts of chase, which now disappeared as it were by miracle. While Henry lived you might have seen them wandering in herds of a thousand together; within a few days after his death you could not discover two head of deer in a whole forest.[2]

The king had cheered his last

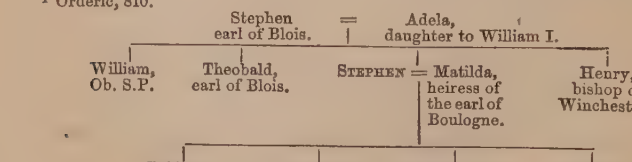
[1] Hunt. 221. Brompt. 1024. Orderic, 823.

[2] Gesta Steph. 927.

moments with the hope that by his care the crown had been secured to Matilda: it was seized by his nephew Stephen, whom he had cherished with the affection of a father, and had destined to be the future support of her throne. Stephen was the third of the four sons that Adela, Henry's sister, had borne to her husband the earl of Blois. William, the eldest, was content with the patrimony of his wife, the heiress of Solieu; Theobald, the second, had succeeded to the dominions of his father; and Henry, the youngest, from a convent of Cluniac monks, had been called to govern the abbey of Glastonbury, and from Glastonbury had been promoted to the bishopric of Winchester. Stephen alone had attached himself to the fortunes of his uncle. From him he had received with the honour of knighthood several valuable estates in England; had earned by his valour in the field of Tenchebrai the Norman earldom of Moretoil; and afterwards, by his marriage with Matilda, the daughter of the earl of Boulogne, had succeeded to the territories of his father-in-law.[1] At each step his ambition had expanded; and on the death of Henry it urged him to become a candidate for the throne. He could not, indeed, claim it as the next in descent; but that was a trifling objection, which might equally have been urged against the four preceding monarchs. He was sprung from the Conqueror, was popular in England, might depend on the assistance of his brother Henry, and, what was of still greater importance, could be present on the spot, while his competitor would probably be detained on the continent.

With these views and expectations Stephen sailed from Whitsand, and landed on the coast of Kent. He was excluded from Dover and Canterbury by the inhabitants, who knew or suspected the real objects of his journey;[2] but he was received with welcome by the citizens of London, who immediately proclaimed him king, and by those of Winchester, whom his brother had secured to his interest. At Winchester he was joined by the archbishop of Canterbury, by Roger, the powerful bishop of Sarum, and by William de Pont de l'Arche, who placed in his hands the keys of the castle, with those of the royal treasures. It was determined to proceed immediately to his coronation. He had, indeed, himself, as well all his adherents, sworn allegiance to the empress Matilda; but this difficulty was solved by the convenient doctrine, that no oath is binding which is extorted by force; and, if any scruple remained (for the primate affected to feel some scruple), it was removed by the declaration of Hugh Bigod, the steward of the household, who boldly swore that Henry on his death-bed had disinherited his daughter, and

[1] Orderic, 810.



Matilda, the wife of Stephen, was daughter to Maria, the sister of Henry's queen, Matilda. Gervase, 1340.

had left his crown to Stephen. Though neither prelates nor barons had yet arrived or signified their acquiescence, the ceremony of his coronation was performed; and the new king promised upon oath not to retain the vacant prelacies for his own profit, not to molest laymen or clerks in the possession of their woods and forests, nor to levy the Danegelt, though it had been repeatedly exacted by his late uncle.[1]

The character of Stephen at this period has been drawn by his adversaries as well as his partisans: and if there be some difference in the colouring, the outlines of the two pictures are perfectly similar. It is admitted that he was prompt in decision and bold in action; that his friends applauded his generosity, and his enemies admired his forbearance; that he won the high by courtesy, the low by condescension, all by his affability and benevolence.[2] He had long been the most popular nobleman in England; and men were inclined to favour the pretensions of one whom they loved. The royal treasures, which he distributed with profusion, while they confirmed the fidelity of his adherents, brought to his standard crowds of adventurers, who intimidated his enemies. Nor should it be forgotten, that there was a kind of spell in the very name of king, which he now bore; and that his claim was sanctified in the eyes of many by the imposing ceremony of his coronation. His court was soon attended by the neighbouring barons; the more distant hastened to do him homage; even Robert, earl of Gloucester, the brother and counsellor of Matilda, consented to swear fealty to him. The last who acknowledged him, were the new families, that had been raised to opulence by the policy of Henry. Whether it were through affection to the memory of their benefactor, or through fear of the jealousy of their rivals, they demurred for awhile; but at length, allured by the promises, and awed by the threats, of the new king, they joined the torrent, and the succession of Stephen was admitted by the whole nation.[3]

In the month of January the corpse of the late monarch arrived at the abbey of Reading. Stephen, to demonstrate his respect for his uncle, proceeded to meet it with all his attendants, and placed his shoulders under the bier.[4] When the ceremony of the interment was concluded, he rode to Oxford, and in a numerous assembly of prelates and barons, renewed the promises which he had made at his coronation before a few of his friends. He swore not to retain in his hands the vacant bishoprics and abbeys; to restore to the clergy and laity their respective forests; to grant to every individual the liberty of hunting on his own lands; to remit the annual tax of two shillings per hide, frequently mentioned under the name of Danegelt; to restore the ancient laws, and enforce the ancient mulcts in pleas and trials; and to give permission to his barons to build such castles on their estates as were necessary for their own security.[5] In a subsequent assembly he produced a letter from the pope, Innocent II., confirming his succession to the crown,[6] and granted additional liberties to the

[1] Malm. 101. Gesta Step. 928, 929. Orderic, 902. Hunt. 221.

[2] Gest. Step. 928. Malm. 101.

[3] Malm. 101. Gesta Steph. 929.

[4] Gervase, 1340.

[5] Hunt. 221. Bromp. 1042. Malm. 101. In this charter he says nothing of the remission of the Danegelt, or of the permission to build castles.—Stat. of Realm, i. 3.

[6] Joan. Hagul. 259. The instrument itself has been preserved by Richard of Hexham. It states that letters had been sent to the pontiff by the bishops, the king of France, and Theobald of Blois, informing him, that to put an end to the disturbances caused by

church. The prelates in return renewed their oath of allegiance, but with a conditional clause which had previously been adopted by some of the lay barons, that they would be faithful to him as long as he faithfully observed his engagements.[1]

It is now time to direct the reader's attention to the daughter of Henry. Unsuspicious of the designs of her cousin, she entered Normandy in the first week of December, and was admitted into Damfront and the neighbouring towns. Her husband followed with a numerous body of Angevins; but their excesses, which he would not or could not restrain, revived the animosity that had formerly divided the two nations; and before the end of the month he was driven back with disgrace into his own territories. The Norman barons assembled, and prepared to offer the duchy to Theobald; but a message from Stephen induced them to alter their resolution, and to preserve on its former footing the connection between the two countries.[2]

In Britain, the first who drew the sword in the cause of Matilda was David, king of Scotland. He had sworn to support her succession; and at the commencement of the year he crossed the borders, reduced Carlisle, Norham, Alnwick, and Newcastle, and compelled the inhabitants to take an oath of fealty to the daughter of Henry. He had reached the walls of Durham, when he was opposed by Stephen at the head of a numerous army. The risk of an engagement induced him to pause: if he was the uncle of the empress, so was he likewise of the consort of her antagonist: a peace was speedily concluded; and to cement the friendship of the two kings, Henry, prince of Scotland, did homage to Stephen, and received from him the towns of Carlisle, Doncaster, and Huntingdon.[3]

While the king was detained in the north, every cantred in Wales had risen in arms. It probably was indifferent to their chieftains, whether the sceptre were swayed by Matilda or Stephen; but they eagerly seized the opportunity to punish their ancient foes, and after they had satiated themselves with plunder and carnage, retired to their mountains, where they were suffered to remain unmolested, while the king's attention was engaged by more formidable enemies.[4]

Normandy for many years presented a most lamentable spectacle, torn by intestine divisions, and alternately ravaged by opposite parties. Both the Angevins, who supported the interest of Matilda, and the mercenaries, who, under William of Ipres, fought in the cause of Stephen, were equally objects of hatred to the natives. As often as Geoffrey passed the frontiers, the aversion of the Normans opposed an insuperable obstacle to his progress: as often as William undertook an expedition, his efforts were paralyzed by the secret, or opposed by the avowed hostility of his own party. Stephen had indeed this advantage

the death of Henry, Stephen had been chosen king by the common wish and unanimous assent of the barons and people. No mention is made of Matilda, or the oaths that had been taken to her; nor do the words imply any assumption of temporal superiority on the part of Innocent. Quod de te factum est gratum habentes, te in specialem beati Petri et sanctæ Romanæ ecclesiæ filium affectione paterna recipimus, et in eadem honoris et familiaritatis prerogativa, qua prædecessor tuus a nobis coronabatur, te propensius volumus retinere.—Ric. Hagul. 314.

[1] Ibid. Malm. 101. I am not sure that there was anything very extraordinary in this conditional allegiance. Such clauses were usual at least among the Anglo-Saxons. —Leg. Sax. 401. [2] Orderic, 902, 903.

[3] Joan. Hagul. 258. Ric. Hagul. 312. David claimed Cumberland, as having formerly belonged to the heir apparent of the Scottish kings, and Northumberland and Huntingdon, as having been held by Waltheof, whose daughter he had married. Stephen refused Northumberland for the present, but gave Doncaster as a substitute.

[4] Gest. Step. 930.

over his rival, that he had received the investiture of the duchy from Louis, to whom, after the precedent set in the last reign, his son Eustace had done homage in the place of the king himself. Still his real authority was limited to the few towns garrisoned by his troops. The great barons retired within their castles, maintained an air of independence; and by occasionally waging war on one another, and supporting, as interest, or caprice, or resentment induced them, sometimes the cause of Stephen, sometimes that of Matilda, contributed to prolong the miseries of their suffering country.

In England a similar spirit of outrage and insubordination had been lately created. During the preceding reigns few of the nobility had been permitted to fortify their castles. It was a privilege granted with a sparing hand, and confined to the royal favourites. But since the accession of Stephen, every petty chieftain erected his fortress, assembled a body of military retainers, and, confident in his own strength, provoked the hostility of his neighbours, or defied the execution of the laws. To repress these local tyrants was a task of some difficulty and perpetual recurrence. It was necessary to levy armies, to surround each fortress, and to conduct the siege according to all the forms of war. The patience of other men would soon have been exhausted; but Stephen in the hour of victory was sure to listen to the prayer of the vanquished,[1] till he found that his indulgence multiplied the number of offenders, and encouraged their obstinacy; and in a moment of self-reproach or resentment, he ordered Arnulf of Hesdin, and his ninety-three associates, to be hanged.[2] By our ancient chroniclers the particulars of these petty wars are narrated at considerable length; the reader of the present day will notice with greater interest two occurrences, which were more important in their consequences, and are highly characteristic of the manners of the age.

I. The battle "of the Standard" was long a subject of exultation to the inhabitants of the northern counties. The king of Scots had resumed hostilities, urged, it is said, either by letters from Matilda, who reminded him of his former engagements in her favour, or by resentment at the conduct of Stephen, who had promised and then refused him the earldom of Northumberland. Within the first six months of the year 1138 he twice crossed the borders, and as often retired at the real or the rumoured approach of the king of England. In August he advanced a third time, and penetrated into Yorkshire. In all these expeditions, the Scots conducted the war with the ferocity of savages; and the northern writers lament with tears of grief and resentment the profanation of the churches, the conflagration of the villages and monasteries, and the promiscuous slaughter of the children, the aged, and the defenceless. It is said that only a few females distinguished by their birth or beauty were spared by the caprice of the barbarians; and these, stripped of their clothes, tied to each other with thongs, and driven at the point of the spear, were conducted into Scotland; where, after suffering every kind of indignity, they were retained as slaves to their captors, or bartered by them for cattle to the neighbouring chieftains.[3] In the common despair, Thurstan, the old

[1] Erat enim mitissimus hominum super terram...ad ignoscendum promptissimus.—Regin. Dun. p. 127, published by the Surtees Society. By that writer and two other contemporaries in Palgrave (ii. xxxi. lii.) he is called Piissimus Rex Stephanus, which seems to have been his usual appellation.

[2] Orderic, 917.

[3] On this occasion the palm of barbarity was given to the Picts, the men of Gallo-

archbishop of York, displayed in a decrepit frame the energy of a youthful warrior. He assembled the northern barons, exhorted them to fight for their families, their country, and their God; assured them of victory, and promised heaven to those who might fall in so sacred a cause. At the appointed time they repaired to York with their vassals, and were met by the parochial clergy with the bravest of their parishioners; three days were spent in fasting and devotion; on the fourth Thurstan made them swear never to desert each other, and dismissed them with his blessing. Two miles beyond Northallerton they received advice of the approach of the Scots; and the standard, which gave name to the battle, was hastily erected, the mast of a vessel strongly fastened into the framework of a carriage. In the centre of the cross which rose on its summit was fixed a box of silver, containing the sacrament; and below waved the banners of three patron saints, Peter, Wilfrid, and John of Beverley. From its foot Walter Espec, an experienced warrior, harangued his associates; and at the conclusion of his speech, giving his hand to William of Albemarle, exclaimed in a loud voice, "I pledge thee my troth, either to conquer or to die." His words kindled a similar enthusiasm among his hearers, and the oath was repeated by every chieftain with confidence of success. But the Scots now approached; the signal was given, the English knelt on the ground, and the bishop of the Orkneys, the representative of Thurstan, read the prayer of absolution from the carriage. With a loud shout they answered "Amen," and rose to receive the shock of the enemy.

In the Scottish army the honour of commencing the action was disputed by the natives o Galloway, the descendants of the ancient Picts, and the men-at-arms, most of whom were English or Norman exiles. The king was inclined to pronounce in favour of the latter, when Malise, earl of Strathern, exclaimed, "Why should we trust so much to these Frenchmen? I wear no armour, but there is not one among them that will keep pace with me to-day." "You boast, earl," replied Alan de Percy, "of what for your life you cannot perform." David, however, to content his subjects, allotted to the men of Galloway the place of honour. The second division was composed of the archers, and natives of Tiviotdale and Cumberland, under the command of Prince Henry, who had for his guard a detachment of men-at-arms led by Eustace Fitz-John. The natives of Lothian and the isles formed the third line; behind which was David himself, with a guard of knights, the Scots, and the men of Moray, as a body of reserve. In this disposition, favoured by a mist, they had advanced towards the English, who would have been surprised before they could have marshalled their forces, had it not been for the address of Robert de Bruce and Bernard de Baliol, two barons who held lands both in England and Scotland. These repaired to David, exhorted him to peace, and offered the county of Northumberland as the price of his retreat. He refused the proposal, and they, renouncing him for their lord, bade him defiance.

In their return, they were closely followed by the Scots, who, raising three shouts, after the manner of their nation, rushed on the English. The first ranks, unable to bear the pressure, retired slowly towards the standard; and the two flanks were surrounded and disordered by the multitude of the enemy; but the centre formed an impenetrable phalanx, which no shock could dissolve. It was in vain that

way. Picti, qui vulgo Galleweienses, vocantur.—Ric. Hagul. 316.

the assailants sought with their swords to break through this forest of spears. Their courage only exposed them to the deadly aim of the archers; and at the end of two hours, disheartened by their loss, they wavered, broke, and fled. The king alone, surrounded by his guards, opposed as he retired, the pursuit of his foes; the rest dispersed themselves in every direction.[1] Prince Henry, who had penetrated to the rear of the hostile army, observing that the dragon, David's banner, was leaving the field, threw away the ensigns of his dignity, and joined as an English knight in the pursuit, till he found an opportunity of concealing himself in the woods. On the third day after his father, he reached Carlisle, where David was employed in collecting the relics of his army. Of seven-and-twenty thousand men, nearly one-half had perished in the battle and and flight.[2]

David was still able to continue the war, and sent a body of forces to besiege the castle of Wark, in Northumberland. At Carlisle he was visited by the cardinal Alberic, who had landed in England as papal legate. This virtuous monk had passed through the tract which had been the theatre of Scottish depredation; and was so affected with the horrors which he had witnessed, that on his knees he conjured the king to consent to a peace. David was inexorable; but out of respect to the petitioner, he granted a truce for two months, promised that all the females who had been consigned to slavery in Scotland should be conducted to Carlisle, and liberated on the feast of St. Martin; and gave his word that in future wars the churches should be respected, and protection should be extended to the weak and unresisting. Peace, however, was concluded in the beginning of the following year. Prince Henry obtained the earldom of Northumberland, with the exception of Newcastle and Bamborough; and five noblemen, the sons of earls, were delivered to Stephen as hostages for the pacific conduct of the Scottish monarch.[3]

II. While the northern counties thus suffered the horrors of barbarian warfare, Stephen had been detained in the south to repress the disaffection of his barons. From the laity he directed his arms against the clergy. Roger, bishop of Sarum, though no longer the first minister of the crown, was still possessed of considerable influence in the nation. His castles were strongly fortified, and plentifully provided with warlike stores; a numerous retinue of knights accompanied him wherever he appeared; and his two nephews, Alexander, bishop of Lincoln, and Nigel, bishop of Ely, imitated the secular pomp, and military parade, of their uncle. In appearance nothing could exceed the obsequiousness of the three prelates to the king; but he suspected that under this mask they concealed a secret attachment to his rival Matilda. His favourites, the enemies of Roger, watched and nourished his jealousy; they observed that his mind was irritated by the repeated rumours of an approaching invasion; and they convinced him that the ruin of the bishop of Sarum was necessary for his own security. An assembly of prelates and barons was held at Oxford in the month of June; and in consequence of a preconcerted plan, a quarrel was excited between the retainers of Roger

[1] Serlo describes the flight of the men of Galloway in the following elegant lines:—

Truces quoque Gawedenses tremebundi fugiunt,
Et quas prius extulerunt, caudis nates comprimunt.—*Serlo*, p. 331.

[2] Compare Richard of Hexham (De Gest. Steph. 315) with Ailred of Rieval (De Bello Standardi, 338). Serlo (p. 331) says, that from the number of sacks filled with plunder, which the Scots threw away in their flight, the place acquired the name of Bagmoor.

[3] Ric. Hagul. 330.

and the servants of two foreign noblemen, Alan of Bretagne, and Hervey of Leon. The next day the bishops of Sarum and Lincoln were arrested, the former in Stephen's chamber, the latter in his own lodgings. They were confined in separate dungeons, accused of violating the king's peace, in his own court, and informed that he would accept of no other reparation than the surrender of their castles. By the advice of their friends they gave up Newark, Salisbury, Sherburn, and Malmsbury. Devizes remained in the possession of the bishop of Ely, who, when his uncle was arrested, had escaped from his pursuers, and, confident in the strength of the fortress, defied the power of his sovereign. On the third day Roger was conducted before the gate, pale and emaciated. He conjured his nephew to save his life by submission; for the king had sworn that the bishop should receive no nourishment until the castle should be delivered into his hands. Nigel reluctantly acquiesced; and Stephen took possession of Devizes. By the clergy the intelligence of this outrage was received with surprise and consternation. To them Stephen had been indebted for his succession to the throne; they still contributed to support him on it. Yet now he had shown himself the enemy of their order; he had illegally usurped the property of the church; he had impiously laid violent hands on prelates, whose persons had hitherto been deemed sacred. His brother Henry, whom Innocent II. had lately invested with the authority of papal legate, whether it was that he thought it his duty to uphold the privileges of the clergy, or that he foresaw the evils which would result from the disaffection of so powerful a body, repeatedly conjured the king both in public and in private to offer satisfaction to the injured prelates. Stephen was inexorable, and the legate summoned him to justify his conduct in a synod of bishops.[1]

In the assembly Alberic de Vere, as counsel for the king, upbraided Roger and his nephews with their attachment to Matilda, charged them with having excited a riot at Oxford, and maintained that they had spontaneously surrendered their castles as a compromise for that offence. The legate answered, that the three bishops were willing to abide their trial, but previously demanded the restitution of their property. Nor could the demand be fairly refused. It was the uniform practice in every court of justice, when an individual had been deprived of his property by open violence, to order its restoration before he could be called upon to plead. This observation seems to have disconcerted Alberic, who demanded time to prepare his answer.

The next morning he came, accompanied by the archbishop of Rouen. That prelate said that he did not dispute the law as it had been laid down by the legate; but he contended that it did not apply to the present case. Bishops were obliged to live according to the canons, which forbade them every kind of military pursuit; whence it followed that the three prelates could not claim the restitution of fortresses, which it was unlawful for them to hold. If they formerly possessed them, it was by the king's indulgence; an indulgence which he might reasonably recall whenever he conceived his crown to be in danger. Alberic then appealed in Stephen's name to the

[1] I may here observe that "your majesty," a title now given to kings only, was at this period given without distinction to persons in authority. Thus, in a letter from the abbot of Westminster to this prelate, we read, "Egregiæ majestatis vestræ præconia." —New Rym. i. 16. In the next page the same title is given by Stephen to Pope Innocent II.

pope, and forbade the council under pain of the royal displeasure to proceed any further. At these words the knights who had followed him drew their swords, and the legate dissolved the assembly. He made, however, a last attempt; and, accompanied by Theobald, the new archbishop of Canterbury, threw himself at the feet of his brother. Stephen remained inflexible, but had soon reason to repent of his obstinacy.[1]

On the first of September the synod was dissolved; on the last day of the same month Matilda landed on the coast of Suffolk. With the small force of one hundred and forty knights she undertook to conquer the throne of her father; but the temerity of the attempt was justified by the promises of her partisans, and the dispute between Stephen and the clergy. Her brother Robert, the soul of the enterprise, with twelve companions, left her to join his friends in the west, and by unfrequented roads eluded the pursuit and vigilance of his enemies; Matilda herself, at the invitation of the queen dowager Alice, retired within the strong castle of Arundel. Stephen soon appeared at the foot of the walls, the princesses were alarmed; the queen pleaded in excuse the duty of hospitality; the empress solicited the permission to follow her brother; and such was the weakness or infatuation of the king, that to the astonishment of both friends and foes, he accepted the apology of the one, and granted the request of the other. If we may believe Malmsbury, this measure, so prejudicial to the royal interests, was nothing more than an act of courtesy, which no knight could refuse to his enemy.[2] If we listen to the panegyrist of Stephen, it was the result of a false policy, which taught that the war would be easily suppressed if it were confined to one corner of the island. He even hints that it was owing to the perfidious councils of the bishop of Winchester.[3] It is certain indeed that Henry of late had reason to be dissatisfied with his brother; it was rumoured that instead of intercepting the earl Robert in his flight, he had even sought a private interview with that nobleman, and had bound himself to the interest of Matilda. To his care the empress was intrusted during her journey from Arundel to Bristol, the head-quarters of her brother.

England was now exposed to all the horrors of civil war. The garrisons of the royal fortresses supported the cause of Stephen; the standard of Matilda was unfurled at Gloucester and Bristol, Canterbury and Dover, places which Robert held from the gift of his father, the late monarch. Each competitor had numerous partisans; but the majority of the barons, shut up in their castles, either affected to observe a strict neutrality, or, under the mask of a pretended submission, maintained a real independence.[4] The execution of justice

[1] See the history of this transaction, related with some discrepancy as to minor circumstances, by Malmsbury, who attended at the council (Novel. 102—104), and two other contemporaries, Ord. (p. 919), and the author of the Gesta Stephani (944, 945). Roger died on the 11th of December of a broken heart. To save the remainder of his treasures from the royal rapacity, he gave them to his church, and placed them on the altar. They were carried off by the orders of Stephen, even before the death of the bishop.—Malm. 104.

[2] Malm. 104. [3] Gesta Steph. 947.

[4] As sieges form the principal feature in the military transactions of this period, it may not be amiss to add a description of one of the ancient castles. The *keep*, the lord's residence, was surrounded, at a convenient distance, by a wall about twelve feet high, surmounted by a parapet, and flanked with towers. Without the wall was excavated a deep moat, over which a drawbridge was thrown, protected by a tower, called the barbican, on the external margin of the moat. This formed the outward defence of

was suspended; the defenceless were alternately plundered by the adverse parties; rival chieftains made war on one another; and no man was secure unless he possessed the means to repel the open, and the vigilance to defeat the secret, attacks of his enemies. At length in an evil hour, Stephen was persuaded to besiege the castle of Lincoln, which had been surprised by Ranulf, earl of Chester, a nobleman who had offered his services to both the king and the empress, and who had been equally mistrusted by both. Confiding his wife and family to the faith of the garrison, Ranulf escaped through the besieging army, and flew to implore the assistance of the earl of Gloucester. With ten thousand men Robert hastened to surprise the king; but, when he had swum across the Trent, found the royal army drawn up to receive him. Stephen, with the most trusty of his adherents, had dismounted, and placed himself at the foot of his standard; and each flank was protected by a small squadron of horse, under the command of noblemen of suspicious fidelity. At the first shock the cavalry fled; the mass of infantry, animated by the presence of the king, firmly withstood the efforts of the multitude by which it was surrounded. Stephen fought with the energy of despair; his battle-axe was broken; his sword was shivered; a stone brought him to the ground; and William de Kains, seizing him by the helmet, claimed him as his prisoner. Still he struggled with his opponents, and refused to surrender to any man but his cousin of Gloucester. The earl took possession of the captive, and presented him to Matilda. The conduct of that princess does little honour to her humanity. Stephen was loaded with chains, and confined in the castle of Bristol; though to justify such rigour, it was pretended that he had drawn it on himself by his repeated attempts to escape.[1]

This unexpected blow had broken the hopes of the royalists. The wavering or suspected were now eager to bend the knee to the empress; and the captives gladly surrendered their castles as the price of their freedom. Matilda alone, the queen of Stephen, affected a show of resistance in the county of Kent, not with the vain hope of recovering her husband's crown, but to obtain time to negotiate for his liberty. Her

the place. The *keep* was a strong square building, with walls about ten feet thick, and five stories in height. Of these the lowermost consisted of dungeons for the confinement of captives; the second contained the lord's stores; the next served for the accommodation of the garrison; in the fourth were the state-rooms of the baron; and the uppermost was divided into sleeping apartments for his family. The only portal or entrance was fixed in the second or third story, and generally led through a small tower into the body of the *keep*. The ascent was by a flight of steps fixed in the wall, and carefully fortified to prevent the entrance of an enemy. About the middle stood a strong gate, which it was necessary to force open; on the landing-place was a drawbridge; and then came the door itself, protected by a *herse*, or portcullis, which ran in a groove, and was studded with spikes of iron. It is not surprising that fortresses of this description should have withstood the efforts of the most powerful monarchs before the invention of cannon. See Du Cange, *in voce*, King, Archæol. vol. iv. Grose, Pref. 5—8.

[1] Malm. 106. Hunt. 224. Gesta Steph. 952. Orderic, 922. It is with regret that I here take leave of Orderic, whose age and infirmities induced him to lay down the pen soon after the battle of Lincoln. He was an Englishman, a native of Shropshire. In his sixth year he was sent to the school of the priest Siward, in Shrewsbury; in his eleventh he was intrusted to the care of the abbot of St. Evroul in Normandy, who changed his English name into that of Vitalis. In this monastery he spent, as he informs us, fifty-six happy years, respected by his brethren, and employed in literary composition. This brief account is extracted from the edifying address to the Deity, with which he concludes his History: an address, which no man can read without learning to venerate the character of this pious and laborious monk.—See his History, p. 924.

feeble efforts were despised by the victors: but they beheld with anxiety the dignified reserve of the bishop of Winchester, who, from his birth, his riches, and his legatine authority, might prove a most formidable adversary. To allure him to the party of the empress became the first object of her politics; and, after several messages, he consented to meet her on the open downs in the neighbourhood of Winchester. It was the second of March, a day, says the historian, dark and stormy, as if the elements portended the calamities that ensued. Matilda swore, and her brother and barons pledged their word for the performance of her oath, that if the bishop and the church would acknowledge her for "England's lady," she would allot to him the first place in her councils, and intrust to his discretion the disposal of vacant abbacies and bishoprics. In return he also swore, that he would bear true allegiance to her as his sovereign, as long as she should fulfil her engagements to him as her vassal. The next day, accompanied by several bishops, and by the monks, clergy, and citizens of Winchester, he conducted her in procession to the cathedral, and mounting the steps of the altar, solemnly blessed all who should bless and obey her, and cursed all who should curse and resist her. His example was in a few days imitated by the archbishop of Canterbury and other prelates, but not till they had obtained from the captive king a release from their former allegiance.[1]

In the treaty between Matilda and the bishop, it had been stipulated that the church should ratify her accession to the sovereign authority. A synod was accordingly convened in the beginning of April, and the members were divided into three classes, the bishops, the abbots, and the archdeacons, with each of whom the legate conferred separately and in private. The next day he publicly addressed them in a speech of considerable ability. He contrasted the turbulent reign of Stephen with the tranquillity which England had enjoyed under the government of the late king. Had that prince left a male heir, they might still have been happy; but fortune deprived him of his son, and they swore fealty to his daughter as to their future sovereign. She chanced to be absent at the time of his death; England was instantly thrown into confusion; and the necessity of providing for the public peace had compelled them to place the crown on the temples of Stephen. But that unfortunate monarch (it was with shame and regret that he spoke harshly of his own brother) had disappointed all their hopes, had violated all his promises, had neglected the execution of the laws, had invaded the property and infringed the liberties of the church; and by his indolence and violence had proved himself unworthy of his station. God had at length pronounced judgment against him by throwing him into the hands of his enemies,[2] and it again became necessary to provide for the tranquillity of the kingdom by appointing some one to exercise the sovereign authority. In the name,

[1] Malm. 105. Gervase, 1354.

[2] From the doctrine of a superintending Providence, the piety of our ancestors had drawn a rash but very convenient inference, that success is an indication of the Divine will, and that of course to resist a victorious competitor is to resist the judgment of Heaven. Thus when the ambition of Stephen grasped the sceptre which had been secured to Matilda, we were told that it was Providence which placed it in his hands (Ric. Hagul. 313); and now that he is become the captive of the same princess, it is the same Providence which pronounces him unworthy of it. — Malm. 105. Many instances of the like nature will occur to the reader who is familiar with the writers of the middle ages. It was proper to mention this doctrine, as it serves to explain the facility with which men accommodated themselves to every revolution, whether the cause were good or bad.

therefore, of the clergy, whose right it principally was to elect and ordain kings, and in consequence of the will of the majority expressed in their preceding deliberations, he declared that they had chosen Matilda, the daughter of Henry, to be sovereign lady of England and Normandy. Some listened to this speech in silence: the rest approved it by repeated acclamations.[1]

An adjourned session was held on the following morning, to accommodate the deputies of the city of London, who had arrived too late to assist at the preceding deliberations. When the result was announced to them, they replied that they had no powers to assent to the election of a new sovereign, but were confined by their instructions to solicit the liberation of Stephen. They were followed by Christian, chaplain to the queen of that monarch, who, in defiance of the legate, read to the assembly a letter from his mistress, calling on the clergy to unite their efforts in favour of a prince to whom they had sworn allegiance, and who was detained in captivity by his perfidious vassals. In return, the bishop, with great moderation, urged the arguments which he had employed on the preceding day; and the Londoners, after consulting apart, signified their approval of his reasoning, and promised to recommend it to the consideration of their fellow-citizens.[2]

By this declaration of the clergy, Matilda flattered herself that she had secured the object of her ambition: her hopes were defeated by the impolicy of her own conduct. Naturally haughty and vindictive, she indulged these passions in the insolence of success, which she had carefully repressed as long as she was awed by the prospect of resistance. She had been admitted into London, and had issued orders for her coronation: but in the interval the affections of her friends were alienated by her arrogance, and the aversion of her enemies was inflamed by fines and prosecutions. To the solicitations of Stephen's queen for the release of her husband she replied in terms of personal insult; and, when the legate requested, that on the solemn resignation of the crown by his brother, the earldoms of Boulogne and Moretoil should be conferred on his nephew Eustace, he received a most contemptuous refusal. Neither did she attempt to conciliate the wavering minds of the Londoners. She imposed on them a heavy tax, as a punishment for their former attachment to Stephen, and scornfully refused their petition for the restoration of the privileges which they had enjoyed under Edward the Confessor. The queen of the captive monarch resolved to avail herself of the imprudence of her rival. A body of horse under her banner appeared on the south side of the city; instantly the bells sounded the alarm: the populace ran to arms; and the empress would have been a prisoner, had she not sprung from table, mounted her horse, and saved herself by a precipitate flight. Her most faithful friends accompanied her to Oxford; the rest dispersed to their respective castles.[3]

In this reverse of fortune, Matilda began to suspect the sincerity of the legate; and her suspicions were con-

[1] See the speech in Malmsbury, who was present, and professes to repeat the very words of the legate.—Malm. 105.

[2] Malm. 109. From this writer we learn that the citizens of London formed a body of considerable importance in the state. They were considered as barons. Qui sunt quasi optimates pro magnitudine civitatis.—Ibid. They also admitted barons into their body. In communionem Lundoniarum recepti.—Ibid.

[3] Contin. Flor. 677. Gesta Steph. 954. Malm. 106. From these writers it appears that the most powerful prelates and barons were accustomed to bend the knee when they solicited any favour from their sovereign.

firmed by the intelligence of a secret interview between him and his sister-in-law in the town of Guildford. She sent him a peremptory order to attend her court. He returned the ambiguous answer that "he was getting himself ready." She resolved to surprise him at Winchester. As she entered by one gate he departed by another. Defeated in these attempts, she summoned to her aid her brother Robert, earl of Gloucester, her uncle David, king of Scots, Milo, earl of Hereford,[1] and Ranulf, earl of Chester; and from the castle, in which she resided, vigorously besieged the episcopal palace, and a fortress which the bishop had erected in the heart of the city. That prelate flew to the assistance of his friends; and as he was speedily reinforced by the queen and the Londoners, in a short time the besiegers themselves were besieged. During seven weeks, each day was signalized by some daring attempt or splendid exploit. Between the two parties the city was plundered and set on fire; and the reader may judge of the extent of the conflagration, when he learns that forty churches and two abbeys were consumed.[2] Still the number of the royalists increased; their parties occupied every road; and the adherents of Matilda began to experience the privations of famine. In this situation, with no probability of victory, if they were to fight, their only choice was to flee; and they selected for the attempt a Sunday, when the vigilance of the enemy might be relaxed by the duties of religion. Early in the morning Matilda, with a strong escort, left the castle; her brother Robert followed at a distance, with a number of knights, who had engaged to risk their liberty and lives for her safety.[3] At Stourbridge they sank under the pressure of their pursuers; and the whole party was killed or captured. Matilda herself, attended by her faithful Brian Fitz-Count, reached Luggershal; whence, having taken some refreshment, she hastened her flight to the castle of Devizes. The king of Scots was thrice taken, and as often redeemed himself from his captors. Milo, alone, and almost naked, reached the castle of Gloucester; the rest either fell into the hands of the conquerors, or on foot, and in the disguise of peasants, escaped, after many adventures, to their respective homes.[4]

To the praise of the queen it is recorded that she treated the captive earl of Gloucester with more generosity than could have been expected by the man who still kept her husband

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[1] Milo had been sheriff of Gloucester, under Earl Robert, and at his own expense had hitherto supported the household of the empress.—Cont. Wig. 677. A few days before her arrival at Winchester she created him earl of Hereford. From the patent, the oldest upon record, the reader may form a notion of the advantages which were then annexed to the dignity of earl. With the title Milo obtained the castle and moat of Hereford, the services of three knights or barons and of their retainers, three manors from the royal demesnes, a forest, and a right to the third penny of the rents of the city, and a third penny of the sums arising from causes tried in the courts of the county, to be held by him and his heirs of Matilda and her heirs in fee. The patent is dated July 25th, 1141.—Rymer, i. 19.

[2] The continuator of Florence, who was the friend of Milo, and his copyist Gervase, attribute the conflagration to the resentment of Henry (Cont. Wig. 677. Gerv. 1356); but as he was not in the city, I prefer the account of the other contemporary writers, who tell us that it arose from the attempts of the garrison to expel the enemy from the houses in the vicinity of the bishop's palace.—Gesta Steph. 956. Malm. 107. It should be remembered that the houses of the burgesses were built of wood.

[3] Here again I prefer the narratives of Malmsbury and the author of the Gesta Stephani.—Ibid.

[4] Gesta Steph. 956. Malm. 108. Contin. Wig. 677. The latter says that not finding herself in security at Devizes, Matilda was placed on a bier like a corpse, and drawn on a hearse from that castle to Gloucester. Had this story been true, it would certainly have been known and mentioned by the other writers of the time.

in chains. In the castle of Rochester he enjoyed every indulgence which was compatible with the security of his person; and after some negotiation it was agreed that he should be exchanged for the king.[1] By this revolution the two parties were placed in the same relative situation in which they had stood before the battle of Lincoln: only the legate, who had alternately sided with each, found himself in a most awkward predicament. In a synod of the clergy, which was convened at Westminster, it was expected that he would attempt to justify his conduct. At the opening was read a real or pretended letter from the pope, ordering him to make every effort for the liberation of his brother. Stephen, who was present, then spoke, and complained of the injuries which he had received from men who were his vassals, and to whom he had never refused justice. At last the legate rose. He owned that he had supported the cause of Matilda, but pleaded that he had been dragged to it by necessity, not allured by affection; she, however, had violated all the promises which he had exacted from her; and had even assented to a plot to deprive him of liberty and life; but God had punished her perfidy, and had now restored the king to his throne. He therefore exhorted the clergy to oppose Matilda, and to excommunicate her adherents. In the course of this address he was interrupted by one of her friends, who in her name accused him of being the cause of all these calamities. It was, he said, by the invitation of the legate that she had come to England; with his knowledge that the expedition to Lincoln had been undertaken; and by his advice that the king had been loaden with chains; and he concluded with forbidding him, by the fidelity which he had sworn to her, to publish any decision to her prejudice. Henry heard him with apparent composure: his countenance betrayed no emotion of shame; nor did he return one angry word to these invectives. Before the synod was dissolved, the sentence of excommunication was pronounced against all who should erect new castles, or invade the rights of the church, or offer violence to the poor and defenceless.[2]

Both parties were now ready to recommence hostilities: but a long and dangerous sickness confined Stephen to his chamber; and Robert embraced the opportunity to sail to the continent, and solicit the aid and presence of Geoffrey, the husband of Matilda. By that prince, to whom his wife had long been an object of aversion, the invitation was declined. He had undertaken the reduction of Normandy, and refused to abandon the enterprise till his success was complete; but he was willing to intrust to the care of the earl his eldest son Henry, the legitimate heir of Matilda.[3] Several months were lost by the tergiversation of Geoffrey, and in the mean time Stephen had marched to Oxford, the residence of the empress. As the garrison came out to meet him, he swam across the river, put his enemies to flight, entered the gates with the fugitives, and set fire to the city. Matilda retired into the castle: he sat down before it; and so confident was he of the capture of his rival, that no inducement, not even the arrival of Robert with his nephew Henry, nor the loss of several fortresses, nor the severity of the winter, could withdraw him from the siege. The strength of the fortifications bade defiance to all his efforts; but at the end of ten weeks the provisions of the garrison were consumed: and Matilda was a third time reduced to the risk of a clan-

[1] Malm. 109.

[2] Malm. 108. Gerv. 1357. [3] Malm. 109.

destine and precipitate flight. It was a severe frost, and the ground was covered with snow. Attended by three knights, clothed in white, she issued at a very early hour from a portal: the nearest sentinel, who had been previously bribed, conducted her in silence between the posts of the enemy; the ice bore her across the Thames; she reached Abingdon on foot, and thence rode with expedition to Wallingford. This, the most extraordinary of her adventures, was a subject of astonishment to her enemies: by her friends it was deemed a convincing proof that she was under the special guard of the Deity.[1]

If Stephen reduced Oxford, Robert defeated him at Wilton; and the power of the two parties still remained fairly balanced. With the exception of the three northern counties, which obeyed the king of Scots, Stephen was nominally acknowledged as sovereign in the eastern, Matilda in the western half of the kingdom. But the real authority of each was confined within narrower limits, that of the king to the counties in the neighbourhood of London, that of Matilda to those in the vicinity of Gloucester. In this state of weakness neither was able to inflict any serious injury on the other; and hostilities were kept alive by petty skirmishes and unimportant sieges, the description of which could neither amuse nor instruct the reader. The interests of Matilda suffered more from sickness than war. She was deprived by death of the services of Milo, the most devoted of her partisans, and of the councils of her brother Robert, the principal support of her cause. The loss of these friends threw a gloom over her mind: the experience of eight years had taught her how uncertain was the issue of the contest; and she withdrew to Normandy to watch the course of events, and to take advantage of the first favourable occurrence.[2] Yet Stephen derived no benefit from her departure. He had earned the enmity of the barons by acts of violence similar to those by which he had formerly alienated the affections of the clergy. Under the mask of friendship he had invited to his court, first Geoffrey de Mainville, and afterwards Ranulf, earl of Chester; had arrested them on mere suspicion of disaffection; and had compelled them to surrender their castles as the price of their liberty. After this outrage they defied his authority, and sought revenge: many associated with them in their own defence; and most trusted for security to the strength of their fortresses, rather than the faith of a jealous and violent prince.[3] At the same time he had the imprudence to drive the church into the arms of his enemies. His brother Henry had exercised the powers with which he had been invested by the pope in a very questionable, and sometimes in an arbitrary manner. He had even framed the plan of rendering his see of Winchester independent of that of Canterbury, and of decorating it by the aid of the king and the pontiff with the metropolitical honours. But his patron Innocent died: two popes succeeded in the short space of two years; and one of them, at the solicitation of Archbishop Theobald, deprived him of the legatine authority. Mortified at his disgrace, the bishop prevailed on his brother to forbid Theobald to assist at the council of Rheims, at which Eugenius III. presided. The primate despised the prohibition, and

[1] Gest. Steph. 958, 959. Gervase, 1358. Malm. 110.

[2] Gesta Steph. 959. Hunt. 225. Gerv. 1358—1362.

[3] Gest. Steph. 963, 971. Hunt. 225. Gerv. 1360.

at his return was driven into exile. He landed in France, recrossed the sea to Framlingham, and there, under the protection of Bigod, earl of Norfolk, published a sentence of interdict against all the demesnes of the king. It was instantly put in execution; and Stephen's friends, alarmed at the cessation of the divine service, compelled him to seek a reconciliation with the archbishop.[1] Some time afterwards he assembled all the prelates, and required them to crown his son Eustace. Theobald refused: he had consulted, he said, the pope, and had been forbidden to comply; because, as Stephen had acquired the crown, not by way of inheritance, but by open force, and in violation of his oath, he could have no right to transfer it to his posterity. In a paroxysm of rage the king ordered his guards to imprison the prelates in the hall, and sent messengers to seize their temporalities: on cooler reflection, he resolved to confine his resentment to Theobald, whom he drove a second time into exile. The pontiff, however, took the archbishop under his protection, and either published in his favour a new, or confirmed the former sentence of excommunication and interdict against the king.[2]

Much of Stephen's conduct at this period must be attributed to the terror with which he viewed the growing prosperity of Henry, the son of Matilda. At the age of sixteen that young prince had visited his uncle David at Carlisle, and had received from him the honour of knighthood. On his return he obtained from his father Geoffrey the cession of the duchy of Normandy: at the death of that prince he succeeded to the earldom of Anjou; and by his marriage with Eleanor of Poitou, within six weeks after her divorce from the king of France, he had acquired the extensive duchy of Aquitaine.[3] This sudden aggrandizement of the son of Matilda elevated the hopes of Stephen's enemies. The earl of Chester visited the young prince in Normandy; and when at his solicitation, Henry landed in England to assert the claim of his mother, his standard was immediately joined by the ancient friends of his family. Fortunately for the repose of the nation, Eustace, the eldest of the king's sons, was, in the heat of the contest, removed by a sudden death; and the archbishop of Canterbury and the bishop of Winchester improved the opportunity to reconcile the jarring interests of the two parties.[4] After several long and animated discussions, their pretensions were solemnly adjusted in the following manner. 1. Stephen adopted Henry for his son, appointed him his successor, and *gave* the kingdom of England, after his own death, to him and his heirs for ever. In return, the young prince did homage, and swore fealty to him. 2. Henry received the homage of William, the surviving son of the king, and in return granted to him all the lands and honours possessed by Stephen before his accession to the throne, confirmed to him the possessions which he had acquired by his marriage with the heiress of the earl of Warrenne, or by the gift of

[1] Gerv. 1363, 1666. An interdict prohibited the celebration of religious worship, within a certain district, and will be more fully explained in the reign of King John.

[2] Gerv. 1369, 1668. Hunt. 226. In caput ejus anathematis et in terram interdicti sententiam præcepit ab omnibus episcopis auctoritate apostolica exerceri.—Ep. S. Thom. i. p. 105.

[3] She was the daughter of William, earl of Poitou and duke of Aquitaine. Her gallantries at Antioch during the crusade alienated the affection of her husband; and after their return they were divorced, at their mutual request, on the plea of consanguinity.—Chron. Norm. 985.

[4] Hunt. 227, 228. Joan. Hagul. 277, 278.

his father, and as a proof of his affection added the honour of Pevensey, and several manors in Kent. 3. The earls and barons of the duke's party did homage to the king; those who had formerly been his vassals, as to their sovereign lord; those who had not, on condition that he should observe the treaty; and in like manner the earls and barons of the king's party did homage to the duke, saving their allegiance to the sovereign. All swore that if either of the two princes broke his engagements, they would desert him and support the cause of his rival. 4. The inhabitants of the different boroughs, and the garrisons of the royal castles, swore fealty to Henry in the like terms as the king's barons. 5. The officers to whom Stephen had intrusted the Tower of London, the moats of Windsor and Oxford, the fortress of Lincoln, the castle of Winchester, and the fort of Southampton, gave hostages, that in the event of the king's death, they would surrender them to the duke. 6. The bishops and abbots, by Stephen's command, took the oath of fealty to Henry, and engaged to enforce the due execution of the treaty by ecclesiastical censures. A narrative of the whole transaction was made in the form of a charter, granted by the king, and witnessed by the prelates and barons.[1]

After this pacification the two princes, to display the harmony in which they lived, visited together the cities of Winchester, London, and Oxford, and were received at each place in solemn procession, and with the most joyful acclamations. At Easter they separated with demonstrations of the most cordial friendship. Henry revisited Normandy; and Stephen a few months afterwards died at Canterbury. He had reigned nineteen years, and was buried near the remains of his wife and son at Faversham, a convent which he had founded.[2]

Never did England, since the invasion of the Danes, present such a scene of misery as under the government of this unfortunate monarch. The two competitors, alike dependent on the caprice of their adherents, were compelled to connive at excesses, which it would have been dangerous to punish; and the foreign mercenaries whom the barons as well as the princes retained in their service, frequently indemnified themselves for the want of pay by the indiscriminate plunder of friend or foe. The desire of revenge also mixed itself with the thirst of power; whenever one party had inflicted an injury, the other was impatient to retaliate; and these Christian knights gloried in barbarities which would have disgraced their pagan forefathers.[3] Conflagration was frequently added to pillage. The destruction of the city of Winchester, the second in the kingdom, has already been noticed; a similar catastrophe befel that of Worcester; and at Nottingham, a rich and populous town, not only were the buildings consumed, but most of the inhabitants perished in the flames.[4]

The principal cause of these calamities may be traced to the castles, which covered the face of the country. Wherever one of these fortresses was erected, several others for the purpose of protection immediately rose around it. But some took not the trouble to

[1] Rymer, Fœd. i. 25. By some error of the copyists, Henry's father is mentioned in this instrument as living. It should be his mother,—mater instead of pater. His father Geoffrey died at Lisieux, on the 7th of September, 1150.—Chron. Norm. 984. Wilkins (Leg. Sax. 316) has replaced mater, ex Rub. lib. Scac. fol. 164.

[2] Hunt. 228. At the dissolution of the abbey under Henry VIII. his tomb was opened, the leaden coffin was melted down, and the bones were thrown into the sea.

[3] Gest. Steph. 961, 962, 964, 965, 970.

[4] Hunt. 226, 227.

build; they seized and fortified the nearest churches. Thus the abbey of Ramsey was converted into a castle by Geoffrey Granville, the monastery of Coventry by Robert Marmion, and the church of Bridlington by William of Albemarle. In addition to those which existed at Stephen's accession, no fewer than one hundred and twenty-six were fortified during his reign.[1] The owners, secure within their walls and moats, conceived themselves freed from all restraints of justice or law. They plundered the lands in the neighbourhood, carried off the inhabitants, and confined in dungeons the most respectable of their captives. There, every species of torture was employed to extort from the sufferers an enormous ransom, or a discovery of the place in which their property was concealed. Some were suspended by the feet in a volume of smoke, others were hanged up by the thumbs, while plates of heated metal were applied to the soles of the feet. Hunger and thirst, knotted cords twisted with violence round the temples, and pressure in a large trunk, the bottom of which was strewed with broken stones, were favourite modes of torture; but Philip Gay, a kinsman of the earl of Gloucester, had the merit of inventing a new and more formidable contrivance, which was afterwards adopted by several of these petty tyrants. This was the "Sachentege," or culprit's halter—a heavy engine of iron studded with sharp points, and made to encircle the neck and press upon the shoulders, so that the sufferer could neither sit, nor stand, nor lie, without the most acute pain.[2] It sometimes happened that the cruelty of these barbarians wrought its own punishment. By the flight of the husbandmen from the neighbourhood of the castle, the lands were left barren; and, as provisions could only be procured by force, the garrison was reduced to the verge of famine. The fugitives usually retired to some of the ecclesiastical establishments, where they built their miserable hovels against the walls of the church, and begged a scanty pittance of bread from the charity of the clergy or monks. But even here they could not promise themselves security. The curses, which were perpetually denounced against the invaders of ecclesiastical property, were despised; and the churches themselves, with those who served them, were swept away by the lawless and sacrilegious banditti. Such was the desolation of the land, say two contemporary historians, that villages and towns were left destitute of inhabitants; and in many parts a man might ride a whole day without discovering on his route one human being.[3]

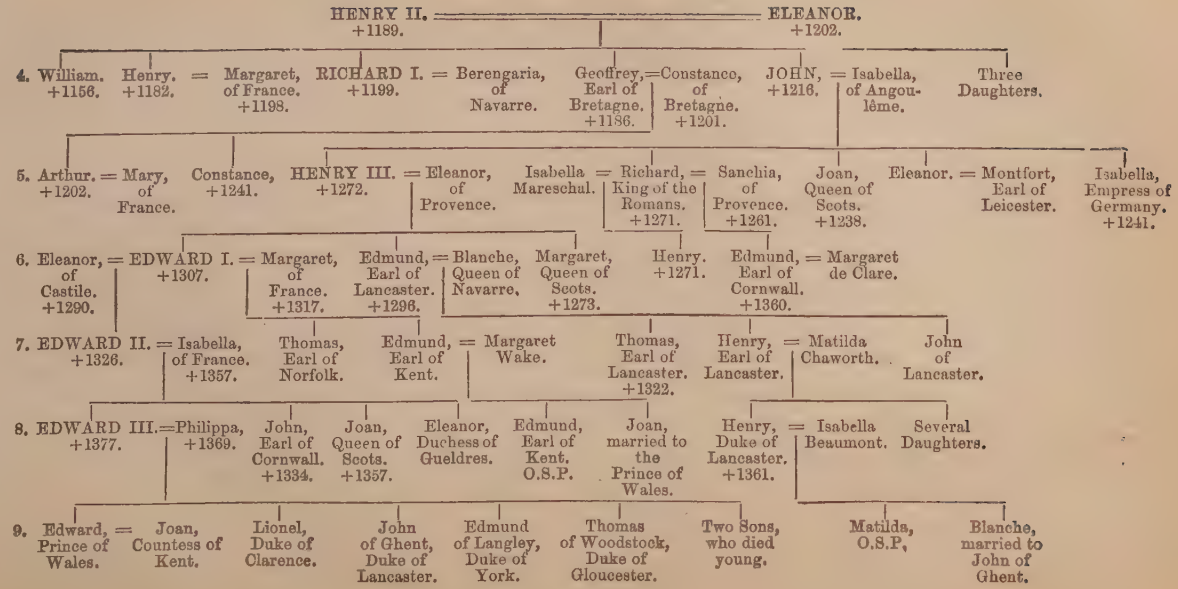
[1] Chron. Norm. 989.

[2] See a long description of these tortures in the Saxon Chronicle, 238, 239, and in many of the stories in Reginald Dunelmensis. Prisoners of war were treated with equal cruelty. They were at the mercy of their captors, who argued that, the more the captive suffered, the more he would pay for his liberty. Even a century later we find King John sending his captives "in gyves and manacles" (Par. 209) to England, to be kept in *boits*, till they compounded for their ransom, and in partibus *boiorum annulorum*, till they paid it.—Rot. lit. pat. 17 bis. I conceive that the *boes*, stocks or fetters, confined the sufferer to the same spot in his dungeon; whilst the *ring-boes*, or chain-fetters, allowed him to move about in some other part of the castle.

[3] Chron. Sax. 239. Gest. Steph. 961.

CHAPTER III.

HENRY II.


HENRY II. +1189.
ELEANOR. +1202.
4. William. +1156.
Henry. +1182.
Margaret, of France. +1198.
RICHARD I. +1199.
Berengaria, of Navarre.
Geoffrey, Earl of Bretagne. +1186.
Constance, of Bretagne. +1201.
JOHN, +1216.
Isabella, of Angoulême.
Three Daughters.
5. Arthur. +1202.
Mary, of France.
Constance, +1241.
HENRY III. +1272.
Eleanor, of Provence.
Isabella Mareschal.
Richard, King of the Romans. +1271.
Sanchia, of Provence. +1261.
Joan, Queen of Scots. +1238.
Eleanor.
Montfort, Earl of Leicester.
Isabella, Empress of Germany. +1241.
6. Eleanor, of Castile. +1290.
EDWARD I. +1307.
Margaret, of France. +1317.
Edmund, Earl of Lancaster. +1296.
Blanche, Queen of Navarre.
Margaret, Queen of Scots. +1273.
Henry. +1271.
Edmund, Earl of Cornwall. +1360.
Margaret de Clare.
7. EDWARD II. +1326.
Isabella, of France. +1357.
Thomas, Earl of Norfolk.
Edmund, Earl of Kent.
Margaret Wake.
Thomas, Earl of Lancaster. +1322.
Henry, Earl of Lancaster.
Matilda Chaworth.
John of Lancaster.
8. EDWARD III. +1377.
Philippa, +1369.
John, Earl of Cornwall. +1334.
Joan, Queen of Scots. +1357.
Eleanor, Duchess of Gueldres.
Edmund, Earl of Kent. O.S.P.
Joan, married to the Prince of Wales.
Henry, Duke of Lancaster. +1361.
Isabella Beaumont.
Several Daughters.
9. Edward, Prince of Wales.
Joan, Countess of Kent.
Lionel, Duke of Clarence.
John of Ghent, Duke of Lancaster.
Edmund of Langley, Duke of York.
Thomas of Woodstock, Duke of Gloucester.
Two Sons, who died young.
Matilda, O.S.P.
Blanche, married to John of Ghent.

CHAPTER III.

HENRY II.—A.D. 1154.

Emp. of Germ.	*K. of Scotland.*	*K. of France.*	*K. of Spain.*
Frederic I.	Malcolm IV.....1165	Louis VII.....1180	Alphonso VIII...1157
	William.	Philip Augustus.	Sancho III.....1158
			Alphonso IX.

Popes.

Anastasius IV. 1154. Adrian IV. 1159. Alexander III. 1181. Lucius III. 1185. Urban III. 1187. Gregory VIII. 1187. Clement III.

ACCESSION OF THE NEW KING—HIS CHARACTER—ARCHBISHOP THEOBALD—RISE OF THOMAS A BECKET—ORIGIN OF THE SPIRITUAL COURTS—CONSTITUTIONS OF CLARENDON—WAR IN WALES—DISPUTE BETWEEN THE KING AND THE PRIMATE—THEIR RECONCILIATION—MURDER OF THE PRIMATE—CONQUEST OF IRELAND—REBELLION OF THE KING'S SONS—CAPTIVITY OF THE KING OF SCOTS—COURTS OF JUSTICE—KING TAKES THE CROSS—HIS DEATH.

It were difficult to imagine a more glorious prospect than that which opened itself to the youth of Henry. By the death of his father he inherited Touraine and Anjou; in right of his mother he possessed Maine and Normandy; and with the hand of Eleanor he had received her ample portion, the seven provinces of Poitou, Saintonge, Auvergne, Perigord, Limousin, Angoumois, and Guienne.[1] A third part of France, almost the whole western coast from the borders of Picardy to the mountains of Navarre, acknowledged his authority; and the vassal, who did homage to the sovereign for his dominions, was in reality a more powerful prince than the king who received it. In his twenty-first year the death of Stephen added to these extensive territories the kingdom of England; and the eyes of Europe were directed to the first measures of the young monarch, whose ambition, were it equal to his power, might endanger the independence of all his neighbours.

That he was impatient to take possession of the crown, which had been secured to him by the late treaty, will easily be conceived; but time was requisite to collect an escort becoming the dignity, and sufficient for the protection, of the new king; and a long continuance of stormy weather confined him a prisoner in the haven of Barfleur. After a vexatious delay of more than six weeks, he landed in England. The enmity of the adherents of Stephen had been silenced by their fears; and the vigilance and authority of Archbishop Theobald had maintained the public tranquillity. At Winchester he received the homage of the nobility; at Westminster he was crowned with his queen before an immense concourse of people,[2] and the foreign barons who had accompanied him from France. A few days were given to the festivities and pageantry usual on such occasions; but at the same time the new king did not forget the more important concerns of state. In one council he appointed

[1] That part of Aquitaine which belonged to the counts of Poitou, was called Guienne.

[2] Gervase, 1377. Bromp. 1043.

the great officers of the crown; in another he confirmed to his subjects all the rights and liberties which they had possessed during the reign of his grandfather; and in a third he induced the barons and prelates to swear fealty to his eldest son William, and, in the event of William's death, to his second son Henry, a child still in the cradle.[1]

To repair the evils which the licentiousness of civil discord had inflicted on the nation during the reign of Stephen, was for several years the principal object of Henry's administration. With this view, the earl of Leicester was appointed grand justiciary, with the most ample powers: a new coinage was issued of standard weight and purity; and the foreign mercenaries, who had so long infested England, received orders to quit the kingdom by a certain day under the penalty of death. In the execution of these measures no difficulty was experienced: but to demolish the castles which had so long been the bane and terror of the defenceless inhabitants, and to recover the lands which the necessities of Stephen and Matilda had compelled them to alienate to their respective partisans, required the personal exertions of the king, and the presence of a powerful army. He drove the earl of Nottingham, the murderer of the earl of Chester, out of the kingdom: he extorted from the fears of the earl of Albemarle, who had long reigned a sovereign in Yorkshire, the surrender of the strong castle of Scarborough; he took from Roger, the son of the celebrated Milo, the castle of Gloucester, but permitted him to retain for life that of Hereford; he reduced by force Bridgnorth, Cleobury, and Wigmore, belonging to Hugh Mortimer: he levelled with the ground all the castles of Henry, bishop of Winchester, who, mistrusting the enemy of his family, had retired with his treasures to Clugny; and at last he compelled Malcolm, king of Scots, to exchange the three northern counties, which had been so long in possession of his grandfather David, for the earldom of Huntingdon, to which the Scottish princes advanced a claim on account of their descent from earl Waltheof.[2]

The same month which had witnessed the coronation of Henry had been signalized by the succession of Nicholas Breakspeare to the throne of the Vatican. This prelate, the only Englishman who ever sate in the chair of St. Peter, had been raised by his merit from one of the lowest situations in life, to that which was deemed the highest dignity in Christendom. He was the son of Robert Chambers, an obscure clerk, and afterwards monk of St. Alban's, and had been rejected by the abbot of that monastery on the ground of incapacity. Stung with this disgrace, and the reproaches of his father, he travelled to Paris, without any other resource than the alms of the charitable; studied with applause in that university, and wandering into Provence, was admitted among the regular canons of St. Rufus. Here his brethren by their free choice raised him successively to the offices of prior and abbot. But the virtues which had won their esteem in an equal became objects of hatred in a superior:

[1] Gerv. 1378. Stat. of Realm, i. 4.

[2] Newbrig. ii. 1, 2, 3, 4. Gerv. 1377, 1378. Hov. 281. Malcolm became the liegeman of Henry, eodem modo, quo avus suus fuerat homo veteris Henrici, salvis omnibus dignitatibus suis.—Hov. ibid. Some writers have explained this clause of the independence of the Scottish crown. I am not aware, nor do I believe, that *dignitas* ever had that meaning. In a subsequent treaty it is used to signify those honours which were rendered to the Scottish king whenever he came to the court of his lord the king of England; such as his being attended on the way by English earls, bishops, and barons, and by the sheriffs of the counties through which he passed.—See Rymer, i. 87.

and to free themselves from the rule of the stranger, they presented an accusation against him to Pope Eugenius. The pontiff conversed with Nicholas, appreciated his merit, and endeavoured to reconcile him with his canons. After a short interval they offered a second complaint: "Go," replied Eugenius, with a smile, "elect another abbot. The Englishman is the 'Cardinal bishop of Albano.'" In his new station he did honour to the discernment and choice of his patron. He was sent with the authority of legate to the kingdoms of Denmark, Sweden, and Norway; and during the four years of his mission, acquired the esteem of the natives, and deserved the confidence not only of Eugenius, but of his successor Anastasius. On the day after the decease of the latter, the unsolicited and unanimous suffrages of the bishops and cardinals placed him on the pontifical throne. His elevation was applauded by the clergy and people with shouts of joy; and the only person who appeared not to partake of the general exultation was Nicholas himself.[1] In England the intelligence was hailed with transport. Every individual felt proud that one of his countrymen had been raised to the first dignity in the Christian world; and three bishops were deputed to offer to the new pope the congratulations of the king and the nation. To John of Salisbury, a learned monk, who accompanied them, Adrian (such was the name which he had assumed) unbosomed himself without reserve, spoke with real regret of his elevation, and complained of the multiplicity of business, which absorbed his whole time and attention. In his cell at St. Rufus, so he observed, he had tasted happiness; but in his ascent to greatness, at every step he had been harassed with additional cares. Beholders might deem the tiara a splendid, but the wearer found it a burning crown.[2]

One object of these envoys, if we may believe a suspicious tale, was to consult the pope on a very singular case. Geoffrey, the king's father, had on his death-bed exacted an oath from the barons and prelates who attended him, that they would not suffer his body to be interred, till Henry should solemnly swear to fulfil the secret dispositions of his testament. The young prince, as was natural, demurred; the very circumstance proved that these dispositions, whatever they might be, were injurious to his interests; wearied, however, by the importunity of his friends, and shocked at the idea of preventing the inhumation of his father's corpse, he consented to take the prescribed oath. The will was now opened in his presence; and it was discovered that the earl had bequeathed Anjou, the patrimony of his family, to Geoffrey, his second son, in the event of Henry's succession to the throne of England. It is said that the king now solicited the pope to absolve him from the obligation of this imprudent oath; and that Adrian granted his request, on the ground that he had sworn under the influence of force, and without a due knowledge of the consequences. But the whole story savours more of romance than history; and, as it is not easy to reconcile it with the statements of the native writers, we may believe that Newbrigensis, from whom we have

[1] Baron. ex cod. Vatic. Rom. pont. 379. I shall add the honourable character which is given of him by this ancient document. Erat autem vir valde benignus, mitis, et patiens, in Græca et Latina lingua peritus, sermone facundus, eloquentia politus, in cantu ecclesiastico præcipuus, prædicator egregius, ad irascendum tardus, ad ignoscendum velox, hilaris dator, eleemosynis largus, et omni morum compositione præclarus.—Id. 380.

[2] Newbrig. ii. 6. Paris, 1016, 1019. Baron. tom. xii. ad ann. 1154. Coronam et phrygium merito clara videri, quia ignea sunt.—Joan. Salis. Polycrat. viii. 23.

received it, was occasionally deceived, in his cell in Yorkshire, with false accounts of continental transactions.[1] This only is certain, that Henry crossed the sea, did homage to the king of France, reduced by force the three castles of Chinon, Loudon, and Mirabeau, belonging to his brother, and as a compensation settled on that prince an annuity of one thousand English, and two thousand Angevin pounds. Geoffrey consoled himself for his loss by the acceptance of the earldom of Nantes, which had been spontaneously offered to him by the citizens. However, he died in a short time; and when Conan, earl of Richmond, who had assumed the title of duke of Bretagne, occupied Nantes, Henry claimed and recovered it as heir to his deceased brother.[2]

Before I proceed with this narrative, I shall lay before the reader a sketch of the king's character, as it has been delineated by writers who lived in his court, and observed his conduct under the vicissitudes of a long and eventful reign. Between the Conqueror and all his male descendants there existed a marked resemblance. The stature of Henry was moderate, his countenance majestic, and his complexion florid; but his person was disfigured by an unseemly protuberance of the abdomen, which he sought to contract by the united aid of exercise and sobriety. Few persons have equalled him in abstemiousness, none perhaps in activity. He was perpetually in motion on foot or on horseback. Every moment which could be spared from more important concerns he devoted to hunting; but no fatigue could subdue his restlessness: after the chace he would snatch a hasty repast, and then rising from the table, in spite of the murmurs of his attendants, keep them walking or standing till bed-time.[3] During his education in the castle of Gloucester, he had acquired a knowledge of letters; and after his accession, delighted in the conversation of the learned. Such was the power of his memory, that he is said to have retained whatever he had heard or read, and to have recognised at the first glance every person whom he had previously seen.[4] He was eloquent, affable, facetious: uniting with the dignity of the prince the manners of the gentleman: but under this fascinating outside he concealed a heart that could descend to the basest artifices, and sport with its own honour and veracity. No one would believe his assertions or trust his promises: yet he justified this habit of duplicity by the maxim, that it is better to repent of words than of facts, to be guilty of falsehood than to fail in a favourite pursuit.[5] Though possessed of ample dominions, and desirous of extending them, he never obtained the laurels of a conqueror. His ambition was checked by his caution. Even in the full tide of prosperity he would stop to calculate the chances against him, and frequently plunged himself into real, to avoid imaginary, evils. Hence the characteristic feature of his policy was delay; a hasty decision could not be recalled; but he persuaded himself that procrastination would allow him to improve every advantage which

[1] See Carte, i. 566. Newbrigensis himself relates the latter part of the story as a report (ii. 7), but his "ut dicitur" is omitted by his copyist, Brompton, 1044.

[2] Newbrig. ii. 7. Chron. Norm. 991, 992, 994.

[3] Girald. Camb. 783. Pet. Bles. ep. 40, 66. A mane usque ad vesperam stat in pedes (p. 98).—Newbrig. iii. 26.

[4] Girald. 783, 784. Bles. ep. 66.

[5] Girald. 783. Cardinal Vivian, after a long conversation with Henry, said, "Never did I witness this man's equal in lying."—Ep. S. Thom. iii. 60. The king of France declared to Henry's ambassadors, that their master was so full of fraud and deceit, so regardless of his word and covenant, that it was impossible to put faith in him.—Arnul. ep. lxvii.

accident might offer.[1] In his own dominions, he wished, says a contemporary, to concentrate all power within his own person. He was jealous of every species of authority which did not emanate from himself, and which was not subservient to his will. His pride delighted in confounding the most haughty of his nobles, and depressing the most powerful families. He abridged their rights, divided their possessions, and married their heiresses to men of inferior rank.[2] He was careful that his favourites should owe everything to himself, and gloried in the parade of their power and opulence, because they were of his own creation. But if he was a bountiful master, he was a most vindictive enemy. His temper could not brook contradiction. Whoever hesitated to obey his will, or presumed to thwart his desire, was marked out for his victim, and was pursued with the most unrelenting vengeance. His passion was said to be the raving of a madman, the fury of a savage beast.[3] We are told that in its paroxysms his eyes were spotted with blood, his countenance seemed of flame, his tongue poured a torrent of abuse and imprecation, and his hands were employed to inflict vengeance on whatever came within his reach;[4] and that on one occasion, when Humet, a favourite minister, had ventured to offer a plea in justification of the king of Scots, Henry, in a burst of passion, called Humet a traitor, threw down his cap, ungirt his sword, tore off his clothes, pulled the silk coverlet from his couch, and, unable to do more mischief, sate down, and gnawed the straw on the floor.[5] Hence the reader will perceive that pride and passion, caution and duplicity, formed the distinguishing traits in his character.

Among those who possessed well-founded claims on the gratitude of the king, one of the principal was Theobald, archbishop of Canterbury. He had suffered banishment in the cause of Matilda, had refused to place the crown on the head of Eustace, had negotiated the treaty between Henry and Stephen, and preserved the public tranquillity after the unexpected death of the latter. These services were not forgotten; and the primate during two years retained the first place in the councils of his sovereign. When age and infirmity admonished him to retire, his affection for Henry, whom he loved as his own child,[6] induced him to recommend to the royal favour a minister whose acquirements might deserve the esteem, and whose wisdom might guide the inexperience, of the young monarch. With this view, and at the suggestion of the bishop of Winchester, Theobald brought forward his own archdeacon, Thomas à Becket, a personage whom the reader will see acting for years an important part on the theatre of public affairs, and who, since his death, has been alternately portrayed as a saint and hero, or as a hypocrite and traitor, according to the religious bias of the historian.

Becket was the son of Gilbert, one of the principal citizens of London, the countryman and acquaintance of the archbishop. He was placed in his

[1] Girald. 783. Bles. ep. 66.

[2] Girald. 784. Servis generosas copulans pedaneæ conditionis fecit universos.—Radulphus Niger apud Wilk. Leg. Sax. 338. This writer has painted Henry in the most hideous colours. He had been banished by the king, and revenged himself with his pen.

[3] Est leo, aut leone truculentior, dum vehementius excandescit.—Blesen. ep. 75.

[4] Girald. 783. Bles. 66. When on one of these occasions a page presented a letter, the king attempted to tear out his eyes, nor did the boy escape without severe scars.—Ep. S. Tho. i. 45.

[5] Ep. S. Thom. i. 44.

[6] See many of his letters apud Bles. ep. 44, 48, 54, 63.

childhood under the care of the canons of Merton, and afterwards continued his studies in the schools of the metropolis, of Oxford, and of Paris. When his father died, he was admitted into the family of Theobald, and with the permission of his patron left England to improve himself in the knowledge of the civil and canon law. He attended the lectures of Gratian at Bologna, and of another celebrated professor at Auxerre. As soon as he returned, his acquirements were appreciated and rewarded; he obtained preferment in the churches of Lincoln and St. Paul's; he was collated to the provost-ship of Beverley; and on the elevation of Roger de Pont l'Eveque to the see of York, succeeded him in the archdeaconry of Canterbury, the richest dignity in the English church after the bishopries and abbeys, which gave the rank of baron to their possessors.[1] His predecessor had always viewed him with an eye of jealousy; and the rivalry which commenced at this early period, continued to divide them through life. By his intrigues, Becket had been twice dismissed from the service of Theobald;[2] but, after the removal of Roger, the new archdeacon ruled without control; he became the confidential adviser of the primate; as his representative he twice visited the papal court; and to his influence the public attributed the firm adhesion of Theobald to the cause of Matilda. The recommendation of that prelate introduced him to the notice, and his own merit entitled him to the protection and friendship of Henry. He was appointed chancellor,[3] the adopted father and preceptor of the young prince,[4] and the depositary of the royal favour. With these distinctions he received more substantial benefits, in the wardenship of the Tower of London, and the custody of the castle of Berghamsted, and of the honour of Eye, with the services of one hundred and forty knights. Nor was the rapidity of his rise superior to the splendour of his course. His equipage displayed the magnificence of a prince; his table was open to every person who had business at court;[5] he took precedence of all the lay barons; and among his vassals were numbered many knights, who had spontaneously done him homage, with the reservation of their fealty to the sovereign. The pride of Henry was gratified with the ascendancy of his favourite. He lived with Becket on terms of the most easy familiarity; and seemed to have resigned into his hands the government of his dominions both in England and on the continent.[6]

Almost every useful measure which

[1] It was then worth 100*l.* per annum.—Stephan. 186. Edit. Giles.

[2] Stephan. 188. Edvard. Grim, in Vita, 11.

[3] The chancellor in virtue of his office was keeper of the king's seal, signed all grants, had the care of the royal chapel, and the custody of vacant baronies and prelacies, and possessed a right to a seat in the council without being summoned. It was understood to be a certain step to a bishopric, and therefore, to avoid the impediment of simony, was one of the few offices which could not be purchased.—Stephan. 186. The chancellor had not at this period any authority strictly judicial; the first mention of the court of chancery occurs in the reign of Edward I.—Spelm. Archæologia, 107.

[4] Ego, said Henry, vobis illum dedi in filium, eumque recepistis de manu mea.—Ep. S. Thom. i. p. 71, edit. Giles.

[5] His biographer here mentions a circumstance illustrative of the manners of the time. The number of uninvited guests was often greater than could be accommodated at table. Becket, that they might not soil their garments when they *sate* on the floor, was careful that it should be daily covered with *fresh* hay or straw.—Stephan. 189.

[6] See Stephanides, p. 189—194. The expressions in the correspondence of the age are very strong. Theobald says: In aure et ore vulgi sonat vobis esse cor unum et animam unam.—Bles. ep. 78. Petrus Cellensis: Secundum post regem in quatuor regnis quis te ignorat.—Martenne, Thesaur. Anec. iii. Epist. S. Tho. ii. 169, ed. Giles. The English bishops: In familiarem gratiam tam lata vos mente suscepit, ut dominationis suæ loca quæ a boreali oceano ad Pyrenæum usque porrecta sunt, potestati vestræ cuncta subjecerit, ut in his solum

distinguished the commencement of the king's reign has been attributed to the advice of Becket by the veracity or partiality of his biographers. But the new chancellor did not merely give his advice; when occasion offered, he acted the part of a negotiator and warrior. The king of France, who dreaded the aggrandizement of a vassal already more powerful than his lord, had threatened to oppose the pretensions of Henry to the earldom of Nantes. Becket was immediately dispatched to Paris. His magnificence astonished the inhabitants; his address lulled the jealousy of the monarch. The king followed to ratify the engagements of his minister; and Henry, his eldest son (for William had died), was affianced to Margaret, the infant daughter of Louis. A Norman baron accepted the care of her education: and her dower, three castles in the Vexin, was placed in the hands of the knights Templars till the conclusion of the marriage.[1]

But the future union of their children formed too feeble a tie to bind princes, naturally divided by a multiplicity of jarring and important interests. Their friendship had scarcely commenced when it was interrupted by a contest of the most singular description. The father of Queen Eleanor had possessed the duchy of Toulouse, in right of his wife Philippa, but under pretext of a sale or mortgage, had conveyed it to her uncle, Raymond, count of St. Gilles. At his death the right of succession to all his dominions devolved on his daughter; and Raymond, that he might retain Toulouse, concluded a treaty with her husband, the king of France, by which the territory was secured to him as the dower of his wife, Constantia, the sister of Louis. Eleanor, by her subsequent divorce from the French king, was restored to all her original rights; whence Henry contended that the transfer of Toulouse to Raymond was void, and prepared to enforce the claim of his queen at the head of a powerful army. By the advice of Becket he exchanged the personal services of his vassals for a pecuniary aid, a scutage of three pounds in England, and of forty Angevin shillings on the continent, to be levied on each knight's fee;[2] and with the money collected a numerous force of mercenaries, whose attendance in the field was limited to three months. With them marched spontaneously several English and foreign barons, a prince of Wales, Malcolm king of Scotland,

hos beatos reputaret opinio, qui in vestris poterant oculis complacere. — Epist. Gil. Foliot, ii. p. 187.

[1] Chron. Norm. 994. The reader will be amused with the following account of the manner in which the chancellor travelled through France. Whenever he entered a town, the procession was led by two hundred and fifty boys, singing national airs; then came his hounds in couples; and these were succeeded by eight waggons, each drawn by five horses, and attended by five drivers in new frocks. Every waggon was covered with skins, and protected by two guards, and a fierce mastiff either chained below or at liberty above. Two of them were loaded with barrels of ale, to be given to the populace; one carried the furniture of the chancellor's chapel, another of his bedchamber, a third of his kitchen, and a fourth his plate and wardrobe; the remaining two were appropriated to the use of his attendants. These were followed by twelve sumpter horses, on each of which rode a monkey, with the groom behind on his knees. Next came the esquires bearing the shields, and leading the chargers of their knights, then other esquires, gentlemen's sons, falconers, officers of the household, knights and clergymen, riding two and two; and last of all the chancellor himself in familiar converse with a few friends. As he passed, the natives were heard to exclaim: "What manner of man must the king of England be, when his chancellor travels in such state!"—Stephan. 196.

[2] The scutage raised in England 180,000*l.* (Gervase, 1381), which proves that the knights' fees were now 60,000. It was a commutation for military service; but did not fall on the tenants of the crown solely. They levied it also on their tenants.—See writs in Brady, i. 117—120, 219. Also the Costum. Norman. xxv.

and Raymond king of Arragon, to whose infant daughter Henry had affianced his son Richard, another infant still in the arms of the nurse. Among this host of warriors no one was more conspicuous than the chancellor, who had engaged a body of seven hundred knights at his own expense; and marching at their head, was the foremost in every enterprise. Cahors was taken, and the army approached the walls of Toulouse, when the king of France, who considered his honour pledged to the count of St. Gilles, threw himself with a small force into the city. Becket advised an immediate assault; Louis would fall into the hands of the king, and who could calculate the advantage to be derived from the ransom of so illustrious a captive? But the ardour of the chancellor was checked by the caution of Henry, who hesitated to authorize by his example the practice of vassals fighting against their lords; and while *his* council deliberated, the French knights hastened to the aid of Louis; the golden opportunity was lost; and the English king led back his army to Normandy. The chancellor remained to secure the conquest which had been made. He fortified Cahors, took three castles, hitherto deemed impregnable, and tilted with a French knight, whose horse he bore off as the honourable proof of his victory. But his presence was soon required by Henry; and having disposed of his household troops in different garrisons, he returned to Normandy at the head of twelve hundred knights and four thousand cavalry, whom he had lately raised and maintained at his own charge.[1] Had he been a military adventurer, his conduct in this campaign might have deserved praise; but it savours little of the meek and peaceful spirit of the Christian churchman. Something perhaps should be indulged to the manners of the age. The preceding reign had often beheld Henry of Winchester at the head of armies; Becket might allege, that what had been tolerated in a bishop and legate was equally allowable in a deacon and chancellor.

The forbearance of the English king was met with a suitable return on the part of Louis. The two princes saw each other; their respective claims were satisfactorily adjusted; and the young Henry did homage to the French monarch for the duchy of Normandy. Yet within a month the war was rekindled. The death of his queen Constantia had left Louis a widower, without male issue; and after a short mourning of two weeks, by the advice of his council, he married Adelais, the sister of the three earls of Blois, Champagne, and Sancerre, and niece to Stephen, the late king of England. This alliance with a family so hostile to his interest alarmed Henry, who, having clandestinely obtained a dispensation, caused the contract of marriage to be solemnized between his son, who had reached the seventh, and Margaret, the daughter of Louis, who was in her third year. His object in this precipitate measure was to obtain possession of her dower. The three knights Templars, to whom the castles of Gisors, Neufle, and Neufchatel had been intrusted, were present at the ceremony, and in compliance with their oaths surrendered these fortresses to the king. Louis felt indignant at so dishonourable a transaction; hostilities were recommenced; but before much blood had been shed, another reconciliation was effected by the good offices of Peter of Tarentaise,

[1] Newbrig. ii. 10. Chron. Norm. 992—995. Stephan. 201, 202, edit. Giles. The cavalry were horsemen in the service of the different knights. Each knight received three shillings a day for forty days, and was entertained at the chancellor's table during the time.—Ibid.

who was employed in France to support the interests of Pope Alexander III.[1]

On the death of Adrian in 1159, the college of cardinals had separated into two parties. Three-and-twenty votes were given in favour of Orlando, the chancellor of the Apostolic see; three for Octavian, cardinal priest of St. Cecily's. Each assumed the title and exercised the authority of pope, the former under the name of Alexander III., the latter under that of Victor IV. The Christian world was immediately divided between the two competitors. The emperor Frederic supported with all his influence the cause of his creature Victor; the kings of England and France, by the advice of their bishops, acknowledged the authority of Alexder. It was in vain that the emperor essayed by letters and messengers to shake their determination. When Alexander found it prudent to quit Italy, they respectively solicited him to select his residence in their dominions; and when they met him at Courcy sur Loire, they placed him between them, and on foot, holding his bridle, conducted him to his pavilion. It was deemed a proud day for the pontiff, who thus in his exile was honoured by the most powerful monarchs; while his rival, though in the actual possession of Rome, was a mere puppet in the hands of his imperial protector.[2]

The two last years of Theobald's life had been spent in advocating the cause of Alexander. Infirmity had rendered him incapable of active exertion; but he had employed the pen of his secretary to prove to the king and his fellow-bishops the superior claim of a pontiff, who had been elected by the majority of the sacred college.[3] His death in 1161 left at the royal disposal the highest dignity in the English church. The favour enjoyed by the chancellor, and the situation which he filled, pointed him out as the person the most likely to succeed; by the courtiers he was already called the future archbishop; and when the report was mentioned to him, he ambiguously replied that he was acquainted with four poor priests far better qualified for that dignity than himself. But Henry, whatever were his intentions, is believed to have kept them locked up within his own breast. During the vacancy, the revenues of the see were paid into the exchequer; nor was he anxious to deprive himself of so valuable an income by a precipitate election. At the end of thirteen months he sent for the chancellor at Falaise, bade him prepare for a voyage to England, and added that within a few days he would be archbishop of Canterbury. Becket, looking with a smile of irony on his dress, replied, that he had not much of the appearance of an archbishop; and that if the king were serious, he must beg permission to decline the preferment, because it would be impossible for him to perform the duties of the situation, and at the same time retain the favour of his benefactor. But Henry was inflexible; the legate Henry of Pisa added his entreaties; and Becket, though he already saw the storm gathering, in which he afterwards perished, was induced, against his own judgment, to acquiesce.[4] He sailed to England; the prelates and a deputation of the monks of Canterbury assembled in the king's chapel at Westminster; every vote was given in his favour; the applause of the nobility

[1] Chron. Norm. 997. Hoved. 282. Newbrig. ii. 24. The legates who had granted the dispensation defended their conduct on the ground that it had already been agreed, ut eadem sponsalia fierent, si ecclesiæ possent habere consensum. — Bouquet, xv. 701.

[2] Chron. Norm. 997, 998. Newbrig. ii. 9. Baron. ad ann. 1159—1162.

[3] Blesen. ep. 48, 49.

[4] Placuit eiut promoverer in archiepiscopum, Deus scit, me id non volente. Et magis pro suo quam pro Dei amore acquievi. —S. Thom. in Quadril. c. 34.

testified their satisfaction, and Prince Henry in the name of his father gave the royal assent. Becket was ordained priest by the bishop of Rochester, and the next day, having been declared free from all secular obligations, he was consecrated by Henry of Winchester. It was a most pompous ceremony; for all the nobility of England, to gratify the king, attended in honour of his favourite. That the known intentions of Henry must have influenced the electors there can be little doubt; but it appears that throughout the whole business every necessary form was fully observed. Gilbert Foliot alone, bishop of Hereford, a prelate of rigid morals, and much canonical learning, jeeringly observed that the king had at last wrought a miracle: for he had changed a soldier into a priest, a layman into an archbishop. The sarcasm was noticed at the time as a sally of disappointed ambition.[1]

That Becket had still to learn the self-denying virtues of the clerical character is plain from his own confession; that his conduct had always defied the reproach of immorality was confidently asserted by his friends, and is equivalently acknowledged by the silence of his enemies. The ostentatious parade and worldly pursuits of the chancellor were instantly renounced by the archbishop, who, in the fervour of his conversion, prescribed to himself, as a punishment for the luxury and vanity of his former life, a daily course of secret mortification. His conduct was now marked by the strictest attention to the decencies of his station. To the train of knights and noblemen, who had been accustomed to wait on him, succeeded a few companions selected from the most virtuous and learned of his clergy. His diet was abstemious; his charities were abundant; his time was divided into certain portions allotted to prayer, and study, and the episcopal functions. These he found it difficult to unite with those of the chancellor; and therefore, as at his consecration he had been declared free from all secular engagements, he resigned that office into the hands of the king.[2] This total change of conduct has been viewed with admiration or censure according to the candour or prejudices of the beholders. By his contemporaries it was universally attributed to a conscientious sense of duty; modern writers have frequently described it as a mere affectation of piety, under which he sought to conceal projects of immeasurable ambition. But how came this hypocrisy, if it existed, to elude, during a long and bitter contest, the keen eyes of his adversaries? A more certain path would certainly have offered itself to ambition. By continuing to flatter the king's wishes, and by uniting in himself the offices of chancellor and archbishop, he might, in all probability, have ruled without control both in church and state.[3]

For more than twelve months the primate appeared to enjoy his wonted ascendancy in the royal favour. But during his absence the warmth of Henry's affection insensibly evapo-

[1] Stephan. 202. Gervase, 1382, 1383. Rad. a Dicet. 533. Foliot, in a letter which he wrote during the heat of the contest between Henry and the archbishop, complains of this election. He says that Matilda disapproved of it, that the clergy sighed at it, and that the nation exclaimed against it.—Ep. G. Foliot, ii. 187. The primate's reply is satisfactory. He defies his enemies to point out any defect in the proceedings. If Matilda disapproved, her disapprobation was a profound secret; if any of the clergy sighed, they were those who sought the archbishopric for themselves; and the nation, so far from exclaiming against his promotion, universally approved it.—Ep. i. p. 283, edit. Giles.

[2] Stephan. 203. Blesen. ep. 27. Grim, in Vita, 19. Gervase, 1384.

[3] Si vellemus suæ per omnia placere voluntati, in sua potestate vel regno non esset quis, qui nobis non obediret pro libito. —S. Thom. apud Gervas. 1396.

rated. The sycophants of the court, who observed the change, industriously misrepresented the actions of the archbishop, and declaimed in exaggerated terms against the loftiness of his views, the superiority of his talents, and the decision of his character. Such hints made a deep impression on the suspicious and irritable mind of the king, who now began to pursue his late favourite with a hatred as vehement as had been the friendship with which he had honoured him. Amidst a number of discordant statements, it is difficult to fix on the original ground of the dissension between them; whether it were the archbishop's resignation of the chancellorship, or his resumption of the lands alienated from his see, or his attempt to reform the clergymen who attended the court, or his opposition to the revival of the odious tax known by the name of danegelt.[1] But that which brought them into immediate collision was a controversy respecting the jurisdiction of the ecclesiastical courts. A rapid view of the origin and progress of these courts, and of their authority in civil and criminal causes, may not prove uninteresting to the reader.

1. From the commencement of Christianity, its professors had been exhorted to withdraw their differences from the cognizance of profane tribunals, and to submit them to the paternal authority of their bishops,[2] who, by the nature of their office, were bound to heal the wounds of dissension, and by the sacredness of their character were removed beyond the suspicion of partiality or prejudice. Though an honourable, it was a distracting servitude, from which the more pious would gladly have been relieved; but the advantages of the system recommended it to the approbation of the Christian emperors. Constantine and his successors appointed the bishops the general arbitrators within their respective dioceses; and the officers of justice were compelled to execute their decisions without either delay or appeal.[3] At first, to authorize the interference of the spiritual judge, the previous consent of both plaintiff and defendant was requisite;[4] but Theodosius left it to the option of the parties, either of whom was indulged with the liberty of carrying the cause in the first instance into the bishop's court, or even of removing it thither in any stage of the pleadings before the civil magistrate.[5] Charlemagne inserted this constitution of Theodosius in his code, and ordered it to be invariably observed among all the nations which acknowledged his authority.[6] 2. If by the imperial law the laity were permitted, by the canon law the clergy were compelled, to accept of the bishop as the judge of civil controversies.[7] It did not become them to quit the spiritual duties of their profession, and entangle themselves in the intricacies of law

[1] See Grim, p. 21. The account of the archbishop's having opposed the danegelt is ridiculed by Lord Lyttelton and Carte, but that Henry did revive that tax is certain from Radulphus Niger, Leg, Sax. 338.

[2] 1 Cor. vi. 1—6.

[3] Euseb. Vit. Constan. iv. 27. Sozomen. Hist. i. 9. More arbitri sponte residentis. —Cod. de Epis. audientia, leg. 7. Ibid. leg. 8.

[4] Ibid. Si qui *ex consensu*.—Valentin. iii. Novel. 12. Sozom. ibid.

[5] Cod. Theod. appen. Extravag. 1. De Epis. judicio. Godefroy has proved that this edict should not be attributed to Constantine; but there can be little doubt that it was issued by one of his successors, probably Theodosius, to whom it is ascribed by Charlemagne.

[6] Capitul. Reg. Franc. vi. 366. He thus enumerates his subjects: Romani, Franci, Alamanni, Bajuvarii, Saxones, Turingi, Fresones, Galli, Burgundiones, Britones, Longobardi, Wascones, Beneventani, Gothi et Hispani—and says that he transcribed the law ex decimo sexto Theodosii imperatoris libro, capitulo videlicet ii. ad interrogata Ablavii ducis.—Ibid.

[7] Con. Carth. iii. 9.

proceedings. The principle was fully admitted by the emperor Justinian, who decided that in cases in which only one of the parties was a clergyman, the cause must be submitted to the decision of the bishop.[1] This valuable privilege, to which the teachers of the northern nations had been accustomed under their own princes, they naturally established among their converts; and it was soon confirmed to the clergy by the civil power in every Christian country. 3. Constantine had thought that the irregularities of an order of men devoted to the offices of religion should be veiled from the scrutinizing eye of the people. With this view he granted to each bishop, if he were accused of violating the law, the liberty of being tried by his colleagues; and moreover invested him with a criminal jurisdiction over his own clergy.[2] Whether his authority was confined to lesser offences, or extended to capital crimes, is a subject of controversy. There are many edicts, which without any limitation reserve the correction of the clergy to the discretion of the bishop;[3] but in the Novels of Justinian a distinction is drawn between ecclesiastical and civil transgressions. With the former the emperor acknowledges that the civil power has no concern;[4] the latter are cognizable by the civil judge. Yet before his sentence can be executed, the convict must be degraded by his ecclesiastical superior; or if the superior refuse, the whole affair must be referred to the consideration of the sovereign.[5] That this regulation prevailed among the western nations, after their separation from the empire, is proved by the canons of several councils;[6] but the distinction laid down by Justinian was insensibly abolished; and, whatever might be the nature of the offence with which a clergyman was charged, he was, in the first instance at least, amenable to none but an ecclesiastical tribunal.[7]

It was thus that on the continent the spiritual courts were first established, and their authority was afterwards enlarged; but among the Anglo-Saxons the limits of the two judicatures were intermixed and undefined. When the imperial government ceased in other countries, the natives preserved many of its institutions, which the conquerors incorporated with their own laws; but our barbarian ancestors eradicated every prior establishment, and transplanted the manners of the wilds of Germany into the new solitude which they had made. After their conversion, they associated the heads of the clergy with their nobles, and both equally exercised the functions of civil magistrates. It is plain that the bishop was the sole judge of the clergy in criminal cases;[8] that he alone decided their differences,[9] and that to him appertained the cognizance of certain offences against the rights of the church and the sanctions of religion;[10] but as it was his duty to sit with the sheriff in the court of the county, his ecclesiastical became blended with his secular jurisdiction, and many causes, which in other countries had been reserved to the spiritual judge, were decided in England before a mixed tribunal. This

[1] Justin. Novel. lxxix. 1. lxxxiii. In Novel. cxxiii. 21, he added the liberty of appeal from the bishop's sentence within ten days.

[2] Niceph. Hist. vii. 46. Con. Carth. iii. 9.

[3] Cod. Theod. de Epis. et Cler. leg. 41, 42. Cod. Justin. de Epis. et Cler. leg. 1.

[4] Justinian. Novel. lxxxiii. 1. See also Con. Chalced. iii. Cod. Theod. de Religione, leg. 1.

[5] Justinian. Novel. cxxiii. 21.

[6] Synod. Parisien. v. can. 4. Synod. Matiscon. ii. can. 10.

[7] See capitul. Reg. Franc. i. 38, v. 378, 390; vii. 347, 422, 436.

[8] Leg. Sax. 83.

[9] Leg. Sax. 51; iii. 115, 129; v. 140; xl. 151.

[10] Leg. Sax. 12, 34, 53, 142, 1.

disposition continued in force till the Norman conquest; when, as the reader must have formerly noticed, the two judicatures were completely separated by the new sovereign; and in every diocese "courts Christian," that is, of the bishop and his archdeacons, were established after the model, and with the authority of similar courts in all other parts of the Western church.[1]

The tribunals, created by this arrangement, were bound in the terms of the original charter to be guided in their proceedings by the "episcopal laws," a system of ecclesiastical jurisprudence, composed of the canons of councils, the decrees of popes, and the maxims of the more ancient fathers. This, like all other codes of law, had in the course of centuries received numerous additions. New cases perpetually occurred; new decisions were given; and new compilations were made and published. The two, which at the time of the conquest prevailed in the spiritual courts of France, and which were sanctioned by the charter of William in England, were the collection under the name of Isidore, and that of Burchard, bishop of Worms.[2] About the end of the century appeared a new code from the pen of Ivo, bishop of Chartres, whose acquaintance with the civil law of Rome enabled him to give to his work a superiority over the compilations of his predecessors. Yet the knowledge of Ivo must have been confined to the Theodosian code, the institutes and mutilated extracts from the Pandects of Justinian. But when Amalphi was taken by the Pisans in 1137, an entire copy of the last work was discovered; and its publication immediately attracted, and almost monopolized, the attention of the learned. Among the students and admirers of the Pandects was Gratian, a monk of Bologna, who conceived the idea of compiling a digest

[1] Leg. Sax. 292. There can be no doubt that the existence of these courts was confirmed, as often as our kings confirmed in general terms the liberties of the clergy. Blackstone, misled by an ambiguous passage in an old collection of laws, supposes that Henry the First abolished the "courts Christian" (Comment. iii. 5); but the same collection frequently mentions them as in existence, and says expressly in the words of St. Ambrose, Sancitum est in causis fidei vel ecclesiastici alicujus ordinis eum judicare debere, qui nec munere impar sit, nec jure dissimilis.—Leg. Sax. 237.

[2] It is evident from the Anglo-Saxon councils that they followed a collection of canons, which was termed Codex canonum vetus ecclesiæ Romanæ. Probably it was that of Martin, bishop of Braga, sent by Pope Adrian to Charlemagne; as at the same time the legates of that pontiff came to England and held two councils for the reformation of ecclesiastical discipline. In the beginning of the ninth century, Riculf, bishop of Mentz, brought into Gaul a new compilation by a writer who called himself Isidore (Hincm. opusc. xxiv.); but this compilation contained decrees which had been hitherto unknown. Former collections began with the decisions of Siricius: Isidore added many, said to have been given by his predecessors. It is now acknowledged that they are forgeries; and some of them from their tendency seemed to have been framed for the particular purpose of withdrawing prelates accused of crimes, from the immediate jurisdiction of the archbishop and the provincial synod, and placing them in the first instance under the protection of the pontiff. In an age unacquainted with the art of criticism, no one doubted the authenticity of these spurious decrees; the enemies of the innovation only contended that, whatever might have been decided by the first pontiffs, the contrary had afterwards been established by their successors (Flodoard. iii. 22). But the interest of the bishops coincided in this case with that of the pontiffs; by their united influence the opposition of the metropolitans was borne down; and the decrees in the compilation of Isidore were admitted as laws of the church. About 1010 Burchard made a new collection, into which they were also introduced. Whether they had been followed in England, we have not the means to ascertain; but in France their authority was no longer doubted; and by the leges episcopales the Norman bishops would certainly understand the laws contained in the two compilations of Isidore and Burchard. The forgery was exposed by Cardinal di Cusa about the middle of the fifteenth century. I have added this note, because most writers seem to suppose that it was not till after the Decretum of Gratian that the false decretals were admitted in this kingdom.

of the canon law on the model of that favourite work; and soon afterwards, having incorporated with his own labours the collections of former writers, he gave his "Decretum" to the public in 1151. From that moment the two codes, the civil and canon laws, were deemed the principal repositories of legal knowledge; and the study of each was supposed necessary to throw light on the other. Roger, the bachelor, a monk of Bec, had already read lectures on the sister sciences in England; but he was advanced to the government of his abbey;[1] and the English scholars, immediately after the publication of the Decretum, crowded to the more renowned professors in the city of Bologna. After their return they practised in the episcopal courts; their respective merits were easily appreciated, and the proficiency of the more eminent was rewarded with an ample harvest of wealth and preferment.

This circumstance gave to the spiritual a marked superiority over the secular courts. The proceedings in the former were guided by fixed and invariable principles, the result of the wisdom of ages; the latter were compelled to follow a system of jurisprudence confused and uncertain, partly of Anglo-Saxon, partly of Norman origin, and depending on precedents, of which some were furnished by memory, others had been transmitted by tradition. The clerical judges were men of talents and education: the uniformity and equity of their decisions were preferred to the caprice and violence which seemed to sway the royal and baronial justiciaries; and by degrees every cause, which legal ingenuity could connect with the provisions of the canons, whether it regarded tithes, or advowsons, or public scandal, or marriage, or testaments, or perjury, or breach of contract, was drawn before the ecclesiastical tribunals. A spirit of rivalry arose between the two judicatures, which quickly ripened into open hostility. On the one side were ranged the bishops and chief dignitaries of the church, on the other the king and barons; both equally interested in the quarrel, because both were accustomed to receive the principal share of the fees, fines, and forfeitures in their respective courts. Archbishop Theobald had seen the approach, and trembled for the issue of the contest; and from his deathbed he wrote to Henry, recommending to his protection the liberties of the church, and putting him on his guard against the machinations of its enemies.[2]

The contest at last commenced; and the first attack was made with great judgment against that quarter in which the spiritual courts were the most defenceless, their criminal jurisdiction. The canons had excluded clergymen from judgments of blood; and the severest punishments which they could inflict were flagellation, fine, imprisonment, and degradation. It was contended that such punishments were inadequate to the suppression of the more enormous offences, and that they encouraged the perpetration of crime by insuring a species of impunity to the perpetrator. As every individual who had been admitted to the tonsure, whether he afterwards received holy orders or not, was entitled to the clerical privileges, we may concede that there were in these turbulent times many criminals among the clergy; but, if it were ever said that they had committed more than a hundred homicides within the last ten years, we may qualify our belief of the assertion, by recollecting the warmth of the two parties, and the exaggera-

[1] Chron. Norm. 783. Gerv. 1665. He was made abbot in 1149. From John of Salisbury we learn that Stephen prohibited the lectures of Roger.—Joan Salis. De Nugis Cur. viii. 22.

[2] Bles. ep. 63. Stephan. 28.

tion to which contests naturally give birth.[1] In the time of Theobald, Philip de Brois, a canon of Bedford,[2] had been arraigned before his bishop, convicted of manslaughter, and condemned to make pecuniary compensation to the relations of the deceased. Long afterwards, Fitz-Peter, the itinerant justiciary, alluding to the same case, called him a murderer in the open court at Dunstable. A violent altercation ensued; and the irritation of Philip drew from him expressions of insult and contempt. The report was carried to the king, who deemed himself injured in the person of his officer, and ordered De Brois to be indicted for this new offence in the spiritual court. He was tried and condemned to be publicly whipped, to be deprived of the fruits of his benefice, and to be suspended from his functions during two years. It was hoped that the severity of the sentence would mitigate the king's anger; but Henry was implacable: he swore by "God's eyes," that they had favoured De Brois on account of his clerical character, and required the bishops to make oath that they had done justice between himself and the prisoner.[3] In this temper of mind, he summoned them to Westminster, and required their consent, that for the future, whenever a clergyman had been degraded for a public crime by the sentence of the spiritual judge, he should be immediately delivered into the custody of a lay officer to be punished by the sentence of a lay tribunal.[4] To this the bishops, as guardians of the rights of the church, objected. The proposal, they observed, went to place the English clergy on a worse footing than their brethren in any other Christian country; it was repugnant to those liberties which the king had sworn to preserve at his coronation; and it violated the first principle of law, by requiring that the same individual should be tried twice, and punished twice, for one and the same offence.[5] Henry, who had probably anticipated the answer, quitted the subject, and inquired whether they would promise to observe the ancient customs of the realm. The question was captious, as neither the number nor the tendency of these customs had been defined; and the archbishop, with equal policy, replied, that he would observe them, "saving his order." The clause was admitted when the clergy swore fealty to the sovereign; why should it be rejected, when they only promised the observance of customs? The king put the question separately to all the prelates, and, with the exception of the bishop of Chichester, received from each the same answer. His eyes flashed with indignation; they were leagued, he said, in a conspiracy against him; and, in a burst of fury, he rushed out of the apartment. The next morning the primate received an order to surrender the honour of Eye, and the castle of Berkhamstead: the king had departed by break of day.[6]

The original point in dispute was now merged in a more important controversy; for it was evident that under the name of the customs was meditated an attack not on one, but

[1] Newbrig. ii. 16. His testimony amounts only to this, that it was said that some one had said so.

[2] Huic controversiæ præstitit occasionem Philippus de Brois.—Diceto, 537.

[3] Diceto, ibid. Stephan. 214. Quadril. c. 17. Boseham, i. 101.

[4] Diceto, 536.

[5] The words in which the king addressed the prelates, peto et volo ut tuo, Domine Cantuariensis, et coepiscoporum tuorum consilio (Stephan. 208), show that he acknowledged the legal right of the clergy to the privilege which he sought to abolish. It should be observed that after a clergyman had been degraded, he lost his privilege, and was amenable to the secular courts, if he offended again.—Hoved. 282.

[6] Boseham, 102—111. Quadril. 18, 19. Gervase, 1385.

on most of the clerical immunities. Of the duty of the prelates to oppose this innovation no clergyman at that period entertained a doubt; but to determine how far that opposition might safely be carried was a subject of uncertain discussion. The archbishop of York, who had been gained by the king, proposed to yield for the present, and to resume the contest under more favourable auspices; the undaunted spirit of Becket spurned the temporizing policy of his former rival, and urged the necessity of unanimous and persevering resistance. Every expedient was employed to subdue his resolution; and at length, wearied out by the representations of his friends and the threats of his enemies, the pretended advice of the pontiff, and the assurance that Henry would be content with the mere honour of victory, he waited on the king at Oxford, and offered to make the promise, without the obnoxious clause. He was graciously received; and to bring the matter to an issue, a great council was summoned to meet at Clarendon after the Christmas holidays.[1]

In this assembly, John of Oxford, one of the royal chaplains, was appointed president by the king, who immediately called on the bishops to fulfil their promise. His angry manner and threatening tone revived the suspicions of the primate, who ventured to express a wish that the saving clause might still be admitted. At this request the indignation of the king was extreme; he threatened Becket with exile or death; the door of the next apartment was thrown open, and discovered a body of knights with their garments tucked up, and their swords drawn; the nobles and prelates besought the archbishop to relent; and two knights Templars on their knees conjured him to prevent by his acquiescence the massacre of all the bishops, which otherwise would most certainly ensue. Sacrificing his own judgment to their entreaties rather than their arguments, he promised in the word of truth to observe the "customs," and required of the king to be informed of what they were. The reader will probably feel some surprise to learn that they were yet unknown; but a committee of inquiry was appointed; and the next day Richard de Lucy and Joscelin de Baliol exhibited the sixteen Constitutions of Clarendon. Three copies were made, each of which was subscribed by the king, the prelates, and thirty-seven barons. Henry then demanded that the bishops should affix their seals. After what had passed, it was a trifle neither worth the asking nor the refusing. The primate replied that he had performed all that he had promised, and that he would do nothing more. His conduct on this trying occasion has been severely condemned for its duplicity. To me he appears more deserving of pity than censure. His was not the tergiversation of one who seeks to effect his object by fraud and deception; it was rather the hesitation of a mind oscillating between the decision of his own judgment and the opinions and apprehensions of others. His conviction seems to have remained unchanged; he yielded, to avoid the charge of having by his obstinacy drawn destruction on the heads of his fellow-bishops.[2]

After the vehemence with which the recognition of the "customs" was urged, and the importance which has been attached to them by modern

[1] Quadril. 25. Hoved. 282.

[2] Stephan. 205. Quadril. 26, 27. Gervase, 1388. Lord Lyttleton has given a very different account of this transaction (iv. 24, 25), but he was deceived by the spurious letter attributed to Foliot. See Appendix, (B), at the end.

writers, the reader will naturally expect some account of the Constitutions of Clarendon. I shall therefore mention the principal:—I. It was enacted that "the custody of every vacant archbishopric, bishopric, abbey and priory of royal foundation, ought to be given, and its revenues during the occupancy, be paid to the king; and that the election of a new incumbent ought to be made in consequence of the king's writ, by the chief clergy of the church, assembled in the king's chapel, with the assent of the king, and with the advice of such prelates as the king may call to his assistance." The custom recited in the first part of this constitution could not claim higher antiquity than the reign of William Rufus, by whom it was introduced. It had moreover been renounced after his death by all his successors, by Henry the First, by Stephen, and lastly, by the present king himself.[1] On what plea, therefore, it could be now confirmed as an ancient custom, it is difficult to comprehend.

II. By the second and seventh articles it was provided that in almost every suit, civil or criminal, in which each or either party was a clergyman, the proceeding should commence before the king's justices, who should determine whether the cause ought to be tried in the secular or episcopal courts; and that in the latter case a civil officer should be present to report the proceedings, and the defendant, if he were convicted in a criminal action, should lose his benefit of clergy.[2] This, however it might be called for by the exigencies of the times, ought not to have been termed an *ancient* custom. It was most certainly an innovation on ancient custom. It overturned the law, as it had invariably stood from the days of the Conqueror, and did not restore the judicial process of the Anglo-Saxon dynasty.

III. It was ordered that "no tenant in chief of the king, no officer of his household, or of his demesne, should be excommunicated, or his lands put under an interdict, until application had been made to the king, or in his absence to the grand justiciary, who ought to take care that what belongs to the king's courts shall be there determined, and what belongs to the ecclesiastical courts shall be determined in them."—Sentences of excommunication had been greatly multiplied and abused during the middle ages. They were the principal weapons with which the clergy sought to protect themselves and their property from the cruelty and rapacity of the banditti in the service of the

[1] Henry I. in his charter says: Sanctam Dei ecclesiam liberam facio, ita quod nec eam vendam, nec ad firmam ponam, nec mortuo episcopo vel abbate aliquid accipiam de dominio ecclesiæ vel de hominibus.—Stat. of Realm. i. 1. Stephen confirmed all the liberties of the church, and promised to intrust the vacant church and all its possessions to the care of the clerks or good men of the same church.—Stat. i. 3. Henry II. confirmed the privileges and liberties granted by Henry I. (Stat. i. 4), and for greater solemnity subscribed the charter himself, and laid it on the altar.—Epist. S. Thom. apud Hoved. He found, however, the custody of the vacant prelacies too profitable a custom to abandon it. It appears from the records of the Exchequer that in his sixteenth year he had in his hands one archbishopric, five bishoprics, and three abbeys; in his nineteenth year, one archbishopric, five bishoprics, and six abbeys; and in his thirty-first, one archbishopric, six bishoprics, and seven abbeys.—Madox, 209—212. Becket says in one of his letters, that the king had at that moment possession of seven bishoprics in England and Normandy; in another, that he held himself the temporalities of Canterbury, Lincoln, Bath, Hereford, and Ely, and of several abbeys, and had divided the greater part of the temporalities of Llandaff among his knights.—Ep. S. Thom. i. 23, 121.

[2] Hence may be understood an expression, which is very common in the statutes, "the benefit of clergy." Every clergyman, who was entitled to the benefit or privilege of his order, was exempt, even in criminal matters, from the jurisdiction of the secular courts.

barons. They were feared by the most powerful and unprincipled; because at the same time that they excluded the culprit from the offices of religion, they also cut him off from the intercourse of society. Men were compelled to avoid the company of the excommunicated, unless they were willing to participate in his punishment. Hence much ingenuity was displayed in the discovery of expedients to restrain the exercise of this power; and it was contended that no tenant of the crown ought to be excommunicated without the king's permission, because it deprived the sovereign of the personal services which he had a right to demand of his vassal. This "custom" had been introduced by the Conqueror; and though the clergy constantly reclaimed, had often been enforced by his successors.

IV. The next was also a custom deriving its origin from the Conquest, that no archbishop, bishop, or dignified clergyman, could lawfully go beyond the sea without the king's permission. Its object was to prevent complaints at the papal court, to the prejudice of the sovereign.

V. It was enacted that appeals should proceed regularly from the archdeacon to the bishop, and from the bishop to the archbishop. If the archbishop failed to do justice, the cause ought to be carried before the king, that by his precept the suit might be terminated in the archbishop's court, so as not to proceed further without the king's consent.[1] Henry I. had endeavoured to prevent appeals from being carried before the pope, and it was supposed that the same was the object of the present constitution. The king, however, thought proper to deny it afterwards. According to the explanation which he then gave, it prohibited clergymen from appealing to the pope in civil causes only, when they might obtain justice in the royal courts.[2] The remaining articles are of minor importance. They confine pleas of debt and disputes respecting advowsons to the cognizance of the king's justices; declare that clergymen, who hold lands of the crown, hold by barony, and are bound to the same services as the lay barons; and forbid the bishops to admit to orders the sons of villeins, without the licence of their respective lords.[3]

As the primate retired, he meditated in silence on his conduct in the council. His scruples revived; and the spontaneous censures of his attendants added to the poignancy of his feelings. In great agony of mind he reached Canterbury, where he condemned his late weakness, interdicted himself from the exercise of his functions, wrote to Alexander a full account of the transaction, and solicited absolution from that pontiff. It was believed that, if he had submitted with cheerfulness at Clarendon, he would have recovered his former ascendancy over the royal mind; but his tardy assent did not allay the indignation which his opposition had kindled; and his subsequent repentance for that assent closed the door to forgiveness. Henry had flattered himself with the hope that he should be able to extort the approbation of the "customs" either from the gratitude of Alexander, whom he had assisted in his necessities, or from the fears of that pontiff, lest a refusal

[1] Blackstone, in reciting this constitution, has given to it an erroneous meaning by the omission of the clause, ut præcepto ipsius (regis) in curia archiepiscopi controversia terminetur.—Comment. iii. 5.

[2] Id sibi vindicat rex ut ob *civilem* causam nullus clericorum regni fines exeat, &c. If he could not obtain justice in the king's court, ad excellentiam vestram, ipso in nullo reclamante, cum volet, quilibet appellabit.—Ep. Gilb. Foliot, i. 239.

[3] See two different copies of the Constitutions in Wilkins, Leg. Sax. 321—324.

might add England to the nations which acknowledged the antipope. The firmness of the pope defeated all his schemes; and the king in his anger vowed to be revenged on the archbishop. Among his advisers there were some, who sought to goad him on to extremities. They scattered unfounded reports; they attributed to Becket a design of becoming independent; they accused him of using language the most likely to wound the vanity of the monarch. He was reported to have said to his confidants that the youth of Henry required a master; that the violence of his passions must, and might easily be tamed; and that he knew how necessary he himself was to a king incapable of guiding the reins of government without his assistance. It was not that these men were in reality friends to Henry. They are said to have been equally enemies to him and to the church. They sighed after the licentiousness of the last reign, of which they had been deprived, and sought to provoke a contest, in which, whatever party should succeed, they would have to rejoice over the defeat either of the clergy, whom they considered as rivals, or of the king, whom they hated as their oppressor.[1]

Soon afterwards, Becket—for what particular purpose is not mentioned—waited on the king at Woodstock. The gates were closed against him; an indignity which awakened in his mind the most fearful misbodings. In this perplexity he repaired to Romney, one of his manors, and on two succeeding nights put to sea in a boat with three companions; but the wind proved unfavourable on both occasions, and compelled him to return. It had been his intention to steal over to the French coast, and to consult the pontiff in person: taking, however, these failures for indications that God disapproved of the design, he returned to Canterbury, with the hope that, from the precautions which he had adopted, his secret would not transpire. But there was a traitor somewhere in his household. The intelligence had been conveyed to the court, and new fuel was added to the king's irritation.

The ruin of a single bishop now became the chief object that occupied and perplexed the mind of this mighty monarch. By the advice of his counsellors, he resolved to waive the controversy respecting the "customs," and to employ the more powerful weapons which the feudal jurisprudence always offered to the choice of a vindictive sovereign. A series of charges was prepared; and the primate was summoned to a great council at Northampton. He obeyed; and the king's refusal to accept from him the kiss of peace admonished him of his danger. John of Oxford, a favourite clerk, presided: Henry himself performed the part of the prosecutor. He accused the archbishop of contempt of the royal authority. To a citation from the king's court in a civil action, he had appeared by four knights, his attorneys; but had shown no cause why he was not personally present. For this imaginary contempt, Henry demanded satisfaction, and the obsequious court amerced the delinquent in all his goods and chattels—an amercement unprecedented in severity, but which was afterwards commuted for a fine of five hundred pounds. For that sum all the bishops, with the exception of Foliot of London, gave security by their separate bonds.[2]

The next morning the king called

[1] See on this subject much curious matter in a confidential letter from Arnulph, bishop of Lisieux, a prelate well acquainted with the intrigues of Henry's court.—Ep. S. Thom. i. 85. Arnul. ep. xxxiv.

[2] The legal expression of "being at the

upon the archbishop to refund three hundred pounds, the rents which he had received as warden of Eye and Berkhamstead. Becket coolly replied that he would pay it. More, indeed, had been expended by him in the repairs: but money should never prove a cause of dissension between himself and his sovereign. Another demand followed of five hundred pounds received by the chancellor before the walls of Toulouse. It was in vain that the archbishop described the transaction as a gift. Henry maintained that it was a loan; and the court, on the principle that the word of the sovereign was preferable to that of a subject, compelled him to give security for the repayment of the money. The third day the king required an account of all the receipts from vacant abbeys and bishoprics which had come into the hands of Becket during his chancellorship, and estimated the balance due to the crown at the sum of forty or forty-four thousand marks. At the mention of this enormous demand, the archbishop stood aghast. However, recovering himself, he replied, at the suggestion of the bishop of Winchester, that he was not bound to answer; that at his consecration both Prince Henry and the earl of Leicester, the justiciary, had publicly released him, by the royal command, from all similar claims; and that on a demand so unexpected and important he had a right to require advice of his fellow-bishops.[1]

Had the primate been ignorant of the king's object, it was sufficiently disclosed in the conference which followed between him and the bishops. Foliot, with the prelates who enjoyed the royal confidence, exhorted him to resign: Henry of Winchester alone had the courage to reprobate this interested advice. On his return to his lodgings, the anxiety of Becket's mind brought on an indisposition which confined him to his chamber; and during the two next days he had leisure to arrange plans for his subsequent conduct. The first idea which suggested itself was a bold, and what perhaps might have proved a successful, appeal to the royal pity. He proposed to go barefoot to the palace, to throw himself at the feet of the king, and to conjure him by their former friendship to consent to a reconciliation. But he afterwards adopted another resolution, to decline the authority of the court, and to trust for protection to the sacredness of his character. Early in the morning he celebrated the mass of St. Stephen, the first martyr. It had been his intention to go from the altar to the court, attired as he was in his sacerdotal vestments and pallium; but from this he was dissuaded by two knights Templars, who feared that it might be interpreted as an attempt at intimidation. Exchanging them, therefore, for his usual garments, he proceeded to the hall; and, at the door, taking the archiepiscopal cross from the bearer, entered with it in his hand, and followed by all the bishops. It was his object to remind the court that he was their spiritual chief and father; but Henry and the barons surprised, perhaps awed, at the unusual spectacle, hastily withdrew to an upper apartment, to which, after a pause, they were followed by the rest of the bishops. The primate, thus left alone with his clerks, seated himself on a bench against the wall, and with

king's mercy" has been already explained to denote the forfeiture of property, unless the king chose to accept a smaller fine. But custom had in every county fixed the amount of this fine; and Fitz-Stephen complains that the archbishop was compelled to pay 500*l.* instead of forty shillings, the customary commutation in Kent. In London it amounted to one hundred shillings.—Steph. 230.

[1] Stephan. 35 — 38. Quadril. 25, 26. Epist. S. Thom. ii. p. 271. Ep. Fol. ii. 194.

calm and intrepid dignity awaited the result. The courtiers in the room above strove to distinguish themselves by the intemperance of their language. Henry, in the vehemence of his passion, inveighed, one while against the insolence of Becket, at another against the pusillanimity and ingratitude of his favourites; till even the most active of the prelates, who had raised the storm, began to view with horror the probable consequences. Roger of York contrived to retire; and as he passed through the hall, bade his clerks follow him, that they might not witness the effusion of blood. Next came the bishop of Exeter, who, at the feet of the primate, conjured him to have pity on himself and the episcopal order; for the king had threatened with death the first man who should speak in his favour. "Flee, then," he replied, "thou savourest not the things that be of God." The two prelates had contrived to make their escape; but the others remained above, exposed to the reproaches and menaces of the king, till he was prevailed upon to be satisfied with their renouncement of Becket's authority as metropolitan, while the lay barons should pass judgment upon him. The bishops entered the hall first; and Hilary of Chichester spoke in their name. "You were," he said, "our primate; but, by opposing the royal customs, have broken your fealty to the king. A perjured archbishop has no claim to our obedience. From you, then, we appeal to the pope, and summon you to answer us before him." "I hear you," was his only reply. Not another word was uttered; the bishops seated themselves in silence along the opposite bench; and the lay barons appeared with the earl of Leicester, Becket's private friend, at their head. It was not without reluctance that Leicester had undertaken the office assigned to him; nor till after a long circumlocution, that he bade the archbishop to hear his sentence. "My sentence?" said Becket, as he rose; "son and earl, hear me first. You know with what fidelity I served the king; how reluctantly, to please him, I accepted my present office, and in what manner I was declared by him free from all secular claims. For what happened before my consecration, I ought not to answer, nor will I. Know, moreover, that you are my children in God. Neither law nor reason allows you to judge your father. I therefore decline your tribunal, and refer my quarrel to the decision of the pope. To him I appeal; and shall now, under the protection of the Catholic church, and the Apostolic see, depart." As he walked along the hall, some of the courtiers threw at him knots of straw, which they took from the floor. A voice called him traitor. At the word he stopped; and, hastily turning round, rejoined: "Were it not that my order forbids me, that coward should repent of his insolence." It seems to have been disapproved by the king; for a proclamation was issued, forbidding any man to offer injury or affront to the archbishop.[1]

At the gate of the castle, and through the town of Northampton, Becket was received by crowds of people, whose sympathy had been aroused by reports of his death or imprisonment. They saluted him with acclamations; threw themselves on their knees to receive his blessing; and accompanied him in triumph to his lodgings in the monastery of St. Andrew's. There a different scene presented itself. All his knights and

[1] Steph. 218—237. Grim, 39. Gervase, 1389—1393. Boseham, i. 134—150. Diceto, who was present, says that the archbishop's plea of having been dismissed free from all secular obligations, was not admitted, because he could not prove that the king had authorized the justiciary to make such a declaration.—Diceto, 537.

pages, some even of his clerks, impelled by their fears, or the supposed command of the king, came to him and begged, many of them with tears, that he would return to them their homage, and license them to depart. This request he cheerfully granted. It chanced during dinner, that in the lecture which always accompanied that meal, was quoted the passage from St. Matthew: "*When they persecute you in one city, flee ye to another.*" His ear eagerly caught the words; they appeared to him a voice of admonition from Heaven; and he cast a significant glance on Herbert of Boseham, to whom he had confided his secret intention. Rising from table, he sent three bishops to the castle, to ask the royal permission that he might leave the kingdom. Their report confirmed him in his resolution; for the king replied that he would send an answer in the morning, and a friend advised him to be on the watch during the night, "both for his own sake, and the sake of his sovereign." It was late; he dressed himself in the garb of a private monk; and a little after midnight, leaving St. Andrew's with three companions, passed through the north gate of the town, and then, to elude the pursuit of his enemies, directed his route by unfrequented ways towards Lincoln. When his flight was known, Henry gave orders that the archbishop's property should be preserved untouched; but Herbert had already been at Canterbury, and had secured a large sum of money, with gold and silver plate. This he had the good fortune to carry with him beyond the sea to St. Omer's, where, according to his instructions, he awaited the arrival of his lord.[1]

It was not till after three weeks of perils and adventures, that Brother Christian (so the archbishop called himself) was able to leave England. He landed at Gravelines, whence he hastened to join his faithful Herbert, at the abbey of St. Bertin's. It was now his first care to visit the king of France, who received him with veneration, and a promise of protection; his next to consult Pope Alexander, who at that time resided in the city of Sens. There he was confronted by a deputation of English bishops and barons. They had arrived long before; and had improved the opportunity to prejudice, by their representations, the mind of the pontiff against the archbishop, and to secure by presents friends in the college of cardinals. But the very lecture of the Constitutions closed the mouths of his adversaries. Alexander, having condemned in express terms ten of the articles, recommended the archbishop to the care of the abbot of Pontigny, and exhorted him to bear with resignation the hardships of exile. When Thomas surrendered his archbishopric into the hands of the pope, his resignation was hailed by a part of the consistory as the readiest means of terminating a vexatious and dangerous controversy. But Alexander preferred honour to convenience, and, refusing to abandon a prelate who had sacrificed the friendship of a king for the interests of the church, re-invested him with the archiepiscopal dignity.[2]

The attention of the king had long been absorbed by the quarrel between him and the primate; an unimportant dispute with Louis of France now led him into Normandy, whence he was hastily recalled by a general rising of the natives of Wales. Nor was this the first time that he had been reduced to the hazardous experiment of leading an army into that

[1] Boseham, i. 146, 162.

[2] Gervase, 1397, 1398. Boseham, l. iv. c. 6—12.

mistrusted the other. Henry was willing to preserve the liberties of the church, "saving the dignity of his crown;" and the archbishop was equally willing to obey the king, "saving the rights of the church."[1] In the second conference these cautionary clauses were omitted; the terms were satisfactorily adjusted; and the primate in conclusion required that the king should give to him the kiss of peace. It was the usual termination of such discussions, the bond by which the contending parties sealed their reconciliation.[2] But Henry coldly replied that he had formerly sworn never to give it to him; and that he was unwilling to incur the guilt of perjury. So flimsy an evasion could deceive no one; and the exile broke off the conference in the full conviction that no reliance could be placed on the king's sincerity.

Henry had now spent several years in France. His presence had been necessary to overawe the turbulence of his continental barons, who, on every frivolous pretext, were eager to defy his authority, and appealed, according to the forms of the feudal jurisdiction, to the protection of their superior lord the king of France. Nor was Louis slow to aid the petitioners, that he might mortify the pride of his vassal. Hence each year hostilities were commenced, continued for a few weeks, and then suspended by truces equally short in duration. But in the beginning of 1169 a peace was finally concluded between the two monarchs. Henry consented to yield Anjou and Maine to his eldest, and Aquitaine to his second son. The former had already espoused one, the latter was now affianced to another of the daughters of Louis; and it was stipulated that each should hold his dominions immediately from his father-in-law. It is difficult to conceive what could have extorted from the king a treaty so prejudicial to his interests. Probably, as he never complied with the conditions, it was no better than one of those dishonest frauds, to which he so frequently descended in the pursuit of some temporary advantage.

He had now another object in view, the coronation of his son Henry, a measure the policy of which has been amply but unsatisfactorily discussed by modern historians. It was not a sudden resolution: for nine years before, on the death of Archbishop Theobald, he had procured a grant from the pope, empowering him to select any prelate, whom he thought proper, to perform that ceremony. This was intended to be in force only while the see of Canterbury should remain vacant;[3] now, as soon as the king's design had transpired, Alexander, at the solicitation of Becket, issued several letters, forbidding any bishop, and in particular, the archbishop of York, to usurp that office, which belonged of right to the archbishop of Canterbury.[4] It may have been that the prohibition never reached those to whom it was addressed;[5] for Henry summoned the bishops to Westminster, laid before them the permission which had been granted on the death of Theobald, and

[1] Ep. Fol. ii. 193, 202, 203. Gervase, 1405. Hoved. 285. Ep. St. Thom. i. 44, 140, 141

[2] Ep. St. Thom. ii. 132, 222. The king of France advised the archbishop on no consideration whatsoever to enter the territory of the English king without the kiss of peace, quia subtracto osculo gratiam non reddebat.—Ibid.

[3] The king's object was to defeat any claim that might be advanced by the archbishop of York, who was then in disgrace.—Ep. S. Tho. i. p. 70.

[4] See them inter Ep. S. Tho. ii. 45, 47. Among them is a mandate from the pope to the archbishop of York to crown the young prince. It is a manifest forgery.

[5] Diu est quod literæ mare transierunt sed in manu illius cui traditæ sunt, perierunt, nec alicui ostensæ nec ullatenus propalatæ. —Ep. S. Tho. ii. 288, 289.

selected Roger of York to perform the ceremony. The young prince was knighted by his father early on the next Sunday, and then crowned with the usual solemnities in Westminster Abbey. The following day he received the fealty and homage of William, king of Scotland, of David his brother, and of the English barons. Why the wife of the prince was not crowned with her husband, has never been explained; but Louis, her father, took the affront as offered to himself, and entered Normandy at the head of an army. Henry hastened to the defence of his dominions: the two monarchs met, and conferred together: they renewed the last treaty; and a promise was obtained from the English king that he would at last be reconciled to Becket.[1]

It was indeed time. That prelate had now been six years a mendicant in France. The forbearance and irresolution of the pontiff were generally blamed, and Alexander announced his determination to extend his censures to the king himself. When Henry saw the thunder, which he had so long warded off, about to burst upon his head, he sent instructions to his envoys, who arranged with the pope a new plan of pacification, on this basis, that Becket with his fellow exiles should return with the royal permission to England, and should possess again their former rights, lands, and churches. Two bishops, those of Rouen and Nevers, waited on Henry with this arrangement, and informed him that unless it were carried into execution within forty days, they had orders to lay all his territories on the continent under interdict. He had recourse to his usual arts; he threatened, cajoled, defied, yielded, and then made objections, and proposed modifications. The greatest difficulty regarded the kiss of peace: the king refused it at that time, but bound himself by oath to grant it after the return of the archbishop within his dominions: Becket replied that it was contained in the arrangement with the pontiff, and that he could have no security without it.[2] The bishops visited him, and prevailed on him to waive the demand; they then returned to Henry, and extorted from him a promise to meet the archbishop. The first two days were spent by him in conference with the king of France in a spacious meadow near Fretivalle, on the borders of Touraine. On the third, Becket, though uninvited, proceeded with the two bishops to the same place. The moment he appeared, the king spurring forward his horse, with cap in hand, prevented the salutation of the bishop: and, as if no dissension had ever divided them, discoursed with him apart, with all that easy familiarity which had distinguished their former friendship. In the course of their conversation, Henry exclaimed: "As for the men who have betrayed both you and me, I will make them such return as the deserts of traitors require." At these words the archbishop alighted from his horse, and threw himself at the feet of his sovereign; but the king laid hold of the stirrup, and insisted that he should remount, saying: "In short,

[1] Bened. Abb. 3. Gervase, 1412. Hoved. 296. Ep. S. Thom. ii. 299.

[2] The following is the character of the king drawn by one who knew him so well, and whose interest it was not to misrepresent him to these commissioners. Quia multiplices illius prodigii fucos non est facile deprehendere, quidquid dicat, quamcumque figuram induat, tamen omnia ejus vobis suspecta sint, et fallaciæ plena credantur, nisi quorum fidem manifesta operis exhibitio comprobabit. Si senserit quod vos aut promissis corrumpere valeat, aut minis deterrere, ut aliquid obtineat contra honestatem vestram et causæ indemnitatem, illico vestra apud eum prorsus evanescet auctoritas.....Sin autem viderit, quod vos a proposito flectere nequeat, furorem simulabit. Imprimis jurabit, et dejurabit; ut Proteus mutabitur, et tandem revertetur in se.—Epist. S. Thom. i. 303.

my lord archbishop, let us renew our ancient affection for each other; only show me honour before those who are now viewing our behaviour." Then returning to his attendants, he observed: "I find the archbishop in the best disposition towards me; were I otherwise towards him, I should be the worst of men." Becket followed him, and by the mouth of the archbishop of Sens presented his petition. He prayed that the king would graciously admit him to the royal favour, would grant peace and security to him and his, would restore the possessions of the see of Canterbury, and would, in his mercy, make amends to that church, for the injury it had sustained in the late coronation of his son. In return he promised him love, honour, and every service, which an archbishop could render in the Lord to his king and his sovereign. To these demands Henry assented; they again conversed apart for a considerable time; and at their separation it was mutually understood that the archbishop, after he had arranged his affairs in France, should return to the English court and remain there for some days, that the public might be convinced of the renewal and solidity of their friendship.[1]

If Henry felt as he pretended, his conduct in this interview will deserve the praise of magnanimity; but his skill in the art of dissimulation may fairly justify a suspicion of his sincerity. The man, who that very morning had again bound himself by oath in the presence of his courtiers to refuse the kiss of peace, could not be animated with very friendly sentiments towards the archbishop;[2] and the mind of that prelate, though his hopes suggested brighter prospects, was still darkened with doubt and perplexity.[3] Months were suffered to elapse before the royal engagements were executed; and when at last, with the terrors of another interdict hanging over his head, the king restored the archiepiscopal lands, the rents had been previously levied, the corn and cattle had been carried off, and the buildings were left in a dilapidated state.[4] The remonstrances of the primate and his two visits to the court obtained nothing but deceitful promises; his enemies publicly threatened his life; and his friends harassed him with the most gloomy presages; yet, as the road was at last open, he resolved to return to his diocese, and at his departure wrote to the king an eloquent and affecting letter. "It was my wish," he concludes, "to have waited on you once more; but necessity compels me, in the lowly state to which I am reduced, to revisit my afflicted church. I go, sir, with your permission, perhaps to perish for its security, unless you protect me. But whether I live, or die, yours I am, and yours I shall ever be in the Lord. Whatever may befall me or mine, may the blessing of God rest on you and your children."[5] Henry had promised him money to pay his debts, and defray the expenses of his journey. Having waited for it in vain, he borrowed three hundred pounds of the archbishop of Rouen, and set out in the company, or rather in the custody, of his ancient enemy, John of Oxford.

Alexander, before he heard of the reconciliation at Fretivalle, had issued letters of suspension or excommunication against the bishops who had officiated at the late coronation; he had afterwards renewed them against Roger of York, Gilbert of London,

[1] Ep. i. p. 65; ii. p. 304. Bos. l. v. c. 1.
[2] Jurasse ea die quod non erat nos osculo excepturus.—Ibid.
[3] Ibid.
[4] Quadril. iii. 3. Ep. i. p. 77; ii. 74, 135. The king, though reconciled to the archbishop on the 22nd of July, levied the rents till the 12th of November.—Ep. i. 82. Wilk. Con. i. 465. John of Salisbury says till Christmas (Ep. 280).
[5] Ep. i. 381. Ep. Fol. ii. 300, 301. In the second of these Henry advises Becket to go immediately.

and Joscelin of Salisbury, to whose misrepresentations was attributed the delay of the king to fulfil his engagements.[1] For the sake of peace the archbishop had wisely resolved to suppress these letters; but the three prelates, who knew that he brought them with him, had assembled at Canterbury, and sent to the coast Ranulph de Broc, with a party of soldiers, to search him on his landing, and take them from him. Information of the design reached him at Whitsand; and, in a moment of irritation, he despatched them before himself by a trusty messenger, by whom, or by whose means, they were publicly delivered to the bishops in the presence of their attendants.[2] It was a precipitate and unfortunate measure, and probably the occasion of the catastrophe which followed.[3] The prelates, caught in their own snare, burst into loud complaints against his love of power, and thirst of revenge; they accused him to the young king of violating the royal privileges, and wishing to tear the crown from his head; and they hastened to Normandy to demand redress from the justice or the resentment of Henry.

Under the protection of his conductor, the primate reached Canterbury, where he was joyfully received by the clergy and people. Thence he prepared to visit Woodstock, the residence of the young Henry, to pay his respects to the prince, and to justify his late conduct. But the courtiers, who dreaded his influence over the mind of his former pupil, procured a peremptory order for him to return and confine himself to his own diocese. He obeyed, and spent the following days in prayer and the functions of his station. Yet they were days of distress and anxiety. The menaces of his enemies seemed to derive importance from each succeeding event. His provisions were hourly intercepted; his property was plundered; his servants were beaten and insulted. On Christmas-day he ascended the pulpit; his sermon was distinguished by the earnestness and animation with which he spoke; at the conclusion he observed that those who thirsted for his blood would soon be satisfied, but that he would first avenge the wrongs of his church by excommunicating Ranulph and Robert de Broc, who for seven years had not ceased to inflict every injury in their power on him, on his clergy, and on his monks.[4] On the following Tuesday four knights, Reginald Fitzurse, William Tracy, Hugh de Moreville, and Richard Brito, arrived secretly in the neighbourhood. They had been present in Normandy, when the king, irritated by the representations of the three bishops, had exclaimed: "Of the cowards who eat my bread, is there not one who will free me from this turbulent priest?" and mistaking this passionate expression for the royal licence, had bound themselves by oath to return to England, and either carry off, or murder the primate. They assembled at Saltwood, the residence of the Brocs, to arrange their operations.

The next day, after dinner, when the archbishop was transacting busi-

[1] See the letters in New Rymer, i. 26. From attachment to the cause of his patron, John of Salisbury was the enemy of Roger; yet if one-half of what he says respecting the archbishop of York be true, that prelate richly deserved the title which he gives him of Archidiabolus.—See Ep. S. Thom. v. 91.

[2] Ep. v. 73. Wilk. Con. i. 465.

[3] On this subject William of Newburgh, a contemporary, makes the following sensible reflection: Nostræ parvitati nequaquam conceditur de tanti viri actibus temere judicare. Puto tamen quod beatissimus papa Gregorius, in moli adhuc teneraque regis concordia mitius egisset, et ea, quæ sine fidei Christianæ periculo tolerari potuissent, ratione temporis et compositione pacis dissimulanda duxisset.—Gul. Newbrig. ii. 25. Yet see his defence, Ep. i. 76, 78.

[4] Steph. 288—292. Grim. 67. Quadril. iii. 10.

ness in a private apartment, it was announced that four knights wished to speak with him from the king. He ordered them to be admitted, and at the same time sent for the principal persons in his household to be present. The knights entered very unceremoniously, and seated themselves apart on the floor. Becket, who pretended at first not to notice their entrance, casting his eyes upon them, saw that three out of the four were well known to him, having been formerly in his service, and done homage to him. He saluted them, but the salute was returned with insult. They ordered him, as if they had such commission from the king, to absolve the excommunicated prelates, and to make satisfaction to the young Henry, whom he had traitorously attempted to deprive of the crown.[1] He replied with firmness, and occasionally with warmth, that if he had published the papal letters, it had been with the permission of his sovereign; that the case of the archbishop of York had been reserved to the pontiff; that, with respect to the other bishops, he was willing to absolve them, whenever they should take the accustomed oath of submission to the determination of the church; and that, so far from wishing to take the crown from his former pupil, the young king, he called God to witness that he would, if it were in his power, heap additional crowns upon his head. They then declared that, if such were his resolve, he must quit England for ever. Neither he nor his could have peace in the king's dominions. "No," exclaimed the archbishop; "never again shall the sea lie between me and my church. Here I am. If I am permitted to perform my duties, it is well; if not, I submit to the will of God. But how comes it that you, knowing what was heretofore between us, dare to threaten me in my own house?" "We shall do more than threaten," was the reply. Fitzurse then called upon the archbishop's men to give him back their homage; and ordered all present, in the king's name, to keep watch over him that he did not escape. "Have no fear of that," he exclaimed, following them to the door, "come when you may, you will find me here." The knights withdrew to a large house immediately opposite, where they armed themselves and their followers; and, to prevent a rescue, sent an order in the king's name to the mayor and his brethren, to preserve the peace in the city.

At the departure of the knights, the archbishop returned to his seat apparently cool and collected. Neither in tone nor gesture did he betray the slightest apprehension, though consternation and despair were depicted on every countenance around him. It was the hour of the evening service, and at the sound of the psalmody in the choir, a voice exclaimed: "To the church, it will afford protection." But Becket had said that he would await them there, and refused to move from the place. Word was now brought that the knights had forced their way through the garden, and made an entrance by the windows. A few moments later they were heard at no great distance, breaking down with axes a strong partition of oak which impeded their progress. In a paroxysm of terror the archbishop's attendants closed around him, and, notwithstanding his resistance, bore him with pious violence through the cloister into the church. The door was immediately closed, and barred against the assassins, who were already in sight.

[1] This alluded to the suspension of Roger of York, which suspension was interpreted to mean, that the coronation was null.

Becket walked leisurely along the transept, and was ascending the steps which led to his favourite altar, when he heard the cries of the knights demanding admission at the door. Without hesitation, he ordered it to be thrown open, saying, that the house of God should not be made a military fortress. Immediately his attendants, monks and clergy, dispersed to conceal themselves, some behind the columns, others under the altars. Had he followed their example, he might have saved his life; for it was growing dark, and both the crypts, and a staircase before him, which led to the roof, offered places of concealment. But he turned to meet his enemies, and, stationing himself with his back against a column, between the altars of St. Mary and St. Bennet, waited their approach.

The four knights and their twelve companions rushed into the church with drawn swords and loud cries. "To me, ye king's men," shouted their leader. "Where is the traitor?" exclaimed Hugh of Horsey, a military sub-deacon, known by the characteristic surname of Mauclerc.[1] No answer was returned; but to the question "where is the archbishop," Becket replied, "Here I am, the archbishop, but no traitor. What is your will?" They turned to him, and insisted that he should immediately absolve all whom he had placed under ecclesiastical censures; to which he replied, that, until they had promised satisfaction, he could not. "Then die," exclaimed a voice. "I am ready," returned the prelate, "to die for the cause of God and His church. But I forbid you, in the name of the Almighty God, to touch any one of my household, clerk or layman." There seems to have been some hesitation on the part of the murderers. They would rather have shed his blood without the church than within its walls. An attempt was made by some of them to drag him away; but he resisted it with success, through the aid of a clergyman called Edward Grim,[2] who threw his arms round the archbishop's waist. "Reginald," said Becket to Fitzurse, "how dare you do this? Remember, that you have been my man." "I am now the king's man," replied the assassin, aiming a blow at the primate's head. Grim interposed his arm, which was broken and severed in two; still the sword passed through Becket's cap and wounded him on the crown. As he felt the blood trickling down his cheek, he wiped it away with his sleeve, and having joined his hands, and bent his head in the attitude of prayer, said: "Into thy hands, O Lord, I commend my spirit." In this posture, with his face to his murderers, and without shrinking or speaking, he awaited a second stroke, which threw him on his knees and elbows. The third stroke was given by Richard Brito, with such violence, that he cut off the upper part of the archbishop's head, and broke his own sword on the pavement. The murderers were retiring, when Hugh of Horsey turning back, set his foot on the neck of the corpse, and drawing the brain out of the skull with the point of his sword, scattered it around. "Fear not," he said, "the man will never rise again." They returned to

[1] Or the wicked clerk.

[2] Grim was a native of Cambridge, who had been admitted into the archbishop's household a day or two before. Not only he, but Fitzstephen, John of Salisbury, and others, boasted afterwards that they stood by their lord to the very end. That Grim did so, is proved by the loss of his arm; but, if we believe him, all the others ran away. Eodem ictu præciso brachio hæc referentis. Is enim, fugientibus tam monachis quam clericis *universis*, sancto archiepiscopo constanter adhæsit, et inter ulnas complexum tenuit, donec ipsa, quam apposuit, præcisa est.—Grim, 77.

the palace, which they rifled, taking away with them spoil, as it was estimated, to the value of two thousand marks.[1]

Thus, at the age of fifty-three perished this extraordinary man, a martyr to what he deemed to be his duty, the preservation of the immunities of the church. The moment of his death was the triumph of his cause. His personal virtues and exalted station, the dignity and composure with which he met his fate, the sacredness of the place where the murder was perpetrated, all contributed to inspire men with horror for his enemies, and veneration for his character. The advocates of "the customs" were silenced. Those who had been eager to condemn, were now the foremost to applaud his conduct; and his bitterest foes sought to remove from themselves the odium of having been his persecutors. The cause of the church again flourished; its liberties seemed to derive new life and additional vigour from the blood of their champion.

Henry was at Bure in Normandy, celebrating the holidays, and displaying the pomp of royalty in the midst of his prelates and nobles. The news plunged him at once into the deepest melancholy. Shut up in his private closet, for three days he obstinately refused to take nourishment, or to admit the service of his attendants. The stain which the fate of the archbishop would imprint on his character, the curses which the church was ready to heap on his head, the long train of calamities which possibly might follow, perhaps the consciousness that, if he had not commanded, he had at least suggested the murder, alarmed his imagination, and partially disordered his reason.[2] From this state he was aroused on the fourth day by the importunities of his ministers; and to avert the papal indignation, five envoys were immediately despatched to Italy with almost unlimited powers. Alexander refused to see them. His grief was not less real than that of the king: but it proceeded from a different cause. He attributed the murder to the lenity with which he had hitherto treated the adversaries of the primate; and that he might decide on his future conduct without being swayed by the interested advice of others, he secluded himself for eight days from the company of his most confidential friends. On the Thursday before Easter he gave audience to the envoys. They warmly asserted the innocence of their master, and swore that he would submit his case to the wisdom, and abide by the decision, of the pontiff. Moved, though not convinced, by their declaration, Alexander excommunicated in general terms the assassins, with all their advisers, abettors, and protectors; confirmed the interdict, which the archbishop of Sens had laid on all the king's dominions in Gaul; and appointed the cardinals Theodin and Albert his legates in France to take cognizance of the cause.[3] This intel-

[1] Grim, 74—80. Steph. 296—303. Joan. Saris. Ep. 286.

[2] See Boseham, vol. ii. p. 31. The king knew not how to behave to the murderers. To punish them for that which they had understood he wished them to do, appeared ungenerous; to spare them was to confirm the general suspicion that he had ordered the murder.—Gul. Newbrig. ii. 25. He left them therefore to the judgment of the spiritual courts. In consequence, they travelled to Rome, and were enjoined by Alexander to make a pilgrimage to Jerusalem, where some, if not all, of them died. —Ibid.

[3] Ep. Fol. ii. 200, 206. The king's envoys were opposed by Alexander of Wales, and Gunter of Flanders, two clergymen who had been in the service of the archbishop. During his exile, clergymen of all nations wese anxious to be admitted into his household; and to this circumstance many owed their promotion after his death. Thus Hubert of Milan became archbishop of his

ligence, more favourable than he had expected, was received with satisfaction by Henry; but, as he was ignorant of the instructions and intentions of the legates, he deemed it prudent to withdraw from Normandy before their arrival. He landed in England in the beginning of August; two months were spent in the collection of a powerful army; and in October a fleet of four hundred sail bore him to Waterford in Ireland. His presence, he alleged, was necessary to receive the submission of the natives; his real motive, if we may believe contemporary historians, was to elude with decency the visit of the legates. But before I describe the issue of this expedition, which has connected the history of the sister isle with that of England, it will be proper to notice the previous state of the country, and the several events which enabled Henry to add to his other titles that of "the Lord of Ireland."

That the ancient inhabitants of Ireland were chiefly of Celtic origin, is evident from the language still spoken by their descendants.[1] Of their manners, polity, and religion, we may safely judge from analogy. There can be no doubt that they lived in the same rude and uncivilized state in which their neighbours were discovered by the legions of Rome and the teachers of Christianity.[2] Books, indeed, have been published, which minutely describe the revolutions of Erin from a period anterior to the deluge; but it is evident that the more early portion of the Irish history of Keating rests on the same baseless authority as the British history of Geoffrey, of bardic fictions, and of traditional genealogies. These, perhaps before, most probably after the introduction of Christianity, were committed to writing; new embellishments were added by the fancy of copyists and reciters; and a few additional links, the creation of one or two imaginary personages, connected the first settlers in Ireland with the founders of the tower of Babel.[3] Nor were such fables the peculiar growth of the soil of Erin. The Frank and the Norman, the Briton and the Saxon, found no more difficulty than the Irishman in tracing back their progenitors to the ark, and pointing out the very grandson of Noah from whom each of them was lineally descended.[4] Hence, if there were aught of truth in the traditions of these nations, it soon became so blended with fiction, that at the present day to distinguish one from the other must prove a hopeless as well as useless undertaking.

native city, and afterwards pope by the name of Urban III. Lombard of Placentia was made cardinal, and archbishop of Benevento; John of Salisbury was preferred to the bishopric of Chartres; Gilbert to that of Rochester; and Gerard, and Hugh the Roman, were successively appointed bishops of Coventry.—Boseham, i. 361. Baronius ad ann. 1172.

[1] See vol. i. p. 40, of this work.

[2] This is asserted by Tacitus (ingenia cultusque hominum non multum a Britannis differunt.—Agric. xxiv.), and by the monks of Benchor, about a century after the death of their apostle. "Christ sent Patrick to preach among the *barbarous nations* of Ireland."—See note 2 in the next page.

[3] Several of the stories related by Keating and O'Flaherty may be seen in a more simple dress in Nennius, c. vi.—x. From the care taken to connect them with the histories of the Deluge and of Pharaoh, it is plain that, if they were not invented, they were much embellished, after the preaching of Christianity.

[4] For the Saxons, see the Chronicle, p. 77; for the Normans, William of Jumieges, p. 217; for the Britons, Nennius, c. xiii. &c. Of all these genealogies the most amusing and ridiculous is one copied by Nennius, from whom we learn—1. That Alan, the son of Japhat, had three sons, Hesicion, Armenon, Negno: 2. That Hesicion had four children, whom he named Franc, Roman, Alleman, and Brito: 3. that Armenon had five, called Goth, Walagoth, Gepidus, Burgundus, Longobardus: 4. and that Negno had only four, known by the appellations of Wandal, Saxo, Bulgar, and Targus. Hence it was easy to trace the descent of all the European nations, and their relative degrees of consanguinity.

Though the gospel had been preached in Ireland at a more early period, the general conversion of the natives had been reserved for the zeal of St. Patrick. This celebrated missionary was born on the farm of Enon, near Bonaven, in the district of Tabernia.[1] He commenced his labours in the year 432, and after a life of indefatigable exertion, died at an advanced age in 472.[2] His disciples appear to have inherited the spirit of their teacher; churches and monasteries were successively founded; and every species of learning known at the time was assiduously cultivated. It was the peculiar happiness of these ecclesiastics to escape the visits of the barbarians, who in the fifth and sixth centuries depopulated and dismembered the Western empire. When science was almost extinguished on the continent, it still emitted a faint light from the remote shores of Erin; strangers from Britain, Gaul, and Germany, resorted to the Irish schools;[3] and Irish missionaries established monasteries and imparted instruction on the banks of the Danube, and amid the snows of the Apennines. During this period, and under such masters, the natives were gradually reclaimed from the ignorance and pursuits of savage life; but their civilization was retarded by the opposite influence of their national institutions; it was finally arrested by the invasions of the Northmen, who from the year 748, during more than two centuries, almost annually visited the island. These savages traversed it in every direction; went through their usual round of plunder, bloodshed, and devastation; and at last occupying the sea-coasts, formed settlements at the mouths of the navigable rivers. The result was the same in Ireland as in Britain and Gaul. Hunted by the invaders into the forests, and compelled to earn a precarious subsistence by stealth and rapine, the natives forgot the duties

[1] That is, near Boulogne-sur-Mer, in the district of Terouenne. This, I think, is clearly proved by Dr. Lanigan, from the Confession of St. Patrick.—Lanigan, i. 93.

[2] The existence of St. Patrick has been recently denied by Dr. Ledwich, who while he assumes the right of incredulity himself, presumes much on the credulity of his readers, if he expects them to believe on his mere assertion that this celebrated missionary was never heard of before the ninth century. If he had made the inquiry, he would have found St. Patrick mentioned by the very ancient author of the Life of St. Gertrude (Annal. Bened. i. 467), by Cummin (Ussher, Syllog. Epist. 32), by Adamnan (in prol. Vit. St. Columb.), by Bede (Martyr. p. 351), by Alcuin (Vit. S. Willibrordi), and in the old antiphonary of the monastery of Benchor. To these authorities, enumerated by that learned antiquary Dr. O'Connor (Prol. xlix.), I may add the ancient Litany published by Mabillon (Anal. Vet. 168), which cannot be more recent than the seventh century. The antiphonary of Benchor, formerly employed in the service of that church, is still preserved in the Ambrosian Library at Milan (No. 10, Lit. c.), and contains but three hymns in honour of particular saints, the first of whom is St. Patrick. It is entitled, Hymnus S. Patritii, magistri Scotorum; and though it displays little taste or ability, incontestably proves that he was then considered as the apostle of Ireland.

Audite omnes amantes
Deum, sancta merita
Viri in Christo beati
Patrici episcopi—
. . . . .
Dominus illum elegit,
Ut doceret barbaras
Gentes, et piscaret
Per doctrinæ retia.....
Hibernas inter gentes.

Dr. O'Connor conceives this venerable MS. to have been written about the year 690, from the notices contained in a hymn at the end; but if he could have inspected it himself, he would have discovered that this last hymn is an addition by a later hand, and that the body of the MS., with the passage in question, is much more ancient. Oltrochi, the late learned librarian, pronounced it of the same age with St. Columbanus himself, in whose monastery at Bobbio it was originally preserved.

[3] In mentioning the northern Saxons, who crowded to hear the Irish teachers, Bede has recorded an honourable trait in the character of the natives. Quos omnes Scoti libentissime suscipientes, victum quotidianum sine pretio, libros quoque ad legendum, ac magisterium gratuitum præbere curabant.—Bede, Hist. iii. 27.

of religion, lost their relish for the comforts of society, and quickly relapsed into the habits and vices of barbarism.

The national institutions to which I have just alluded as hostile to the progress of civilization, were tanistry and gavelkind. I. The inhabitants were divided into numerous septs, each of which obeyed the paternal authority of its canfinny or chief. The canfinnies, however, seldom enjoyed independence. The weak were compelled to submit to the control of their more powerful neighbours, who assumed the title of kings; and among the kings themselves there always existed an ardriagh or chief monarch, who, if he did not exercise, at least claimed, the sovereignty over the whole island. The law of tanistry regulated the succession to all these dignities from the highest to the lowest. It carefully excluded the sons from inheriting as of right the authority of their father; and the tanist, the heir apparent, was elected by the suffrages of the sept during the lifetime of the ruling chieftain. The eldest of the name and family had, indeed, the best title to this distinction: but his capacity and deserts were previously submitted to examination; and the charge of crime or cowardice, or deformity, might be urged as an insuperable objection to his appointment. If the reigning family could not supply a fit person, the new tanist was selected from the next branch in the sept, and thus every individual could flatter himself that in the course of a few generations the chieftainry might fall to the lot of his own posterity. Such a custom, however, could not fail to create intestine quarrels, which, instead of waiting the tardy decision of the triennial assembly of the states, were generally terminated by the passions and swords of the parties. The elections were often attended with bloodshed: sometimes the ambition of the tanist refused to await the natural death of his superior: frequently the son of the deceased chieftain attempted to seize by violence the dignity to which he was forbidden to aspire by the custom of his country. Hence every sept and every kingdom was divided by opposite interests; and the successful candidate, instead of applying to the improvement of his subjects, was compelled to provide for his own security by guarding against the wiles, the treachery, and the swords of his rivals.[1]

II. Gavelkind is that species of tenure, by which lands descend to all the sons equally, and without any consideration to primogeniture. It prevailed in former ages among all the British tribes: and some relics of it in an improved form remain in England even at the present day. Among the Irish it existed as late as the reign of James I.; and still retained the rude features of the original institution. While it excluded all the females, both the widow and the daughters, from the possession of land, it equally admitted all the males, without distinction of spurious or legitimate birth. Yet these did not succeed to the individual lands held by their father. At the death of each possessor, the landed property of the sept was thrown into one common mass: a new division was made by the equity or caprice of the canfinny; and their respective portions were assigned to the different heads of families in the order of seniority. It is evident that such a tenure must have imposed an insuperable bar to agricultural improvement, and to the influence of agriculture in multiplying the comforts of civilized life. It could only exist among a people prin-

[1] The annals of Ireland furnish very few instances in which a son obtained the government on the death of his father. More than half of the kings appear to have been murdered, or to have fallen in battle.

cipally addicted to pasturage; and to whom the prospect of migrating to a more favourable situation, made a transient preferable to a permanent interest in the soil. Accordingly, Davis tells us that even in his time, the districts in which gavelkind was still in force seemed to be all one "wilderness."[1]

When the natives, after a long struggle, assumed the ascendancy over the Danes, the restoration of tranquillity was prevented by the ambition of their princes, who, during more than a hundred years, contended for the sovereignty of the island. It was in vain that the pontiffs repeatedly sent, or appointed, legates to establish the discipline of the canons, and reform the immorality of the nation; that the celerbated St. Malachy added the exertions of his zeal; and that the Irish prelates, in their synods, published laws, and pronounced censures. The efficacy of these measures was checked by the turbulence of the princes and the obstinacy of the people;[2] it was entirely suspended by the subsequent invasion of the English. The state of Ireland at that period has been delineated by Girald, who twice visited the island, once in the company of his brother, a military adventurer, and afterwards as the chaplain or secretary of John, the youngest of Henry's sons. In three books on the topography, and two on the subjugation of Ireland, he has left us the detail of all that he had heard, read, and saw. That the credulity of the Welshman was often deceived by fables, is evident; nor is it improbable that his partiality might occasionally betray him into unfriendly and exaggerated statements; yet the accuracy of his narrative in the more important points is confirmed by the whole tenor of Irish and English history, and by its accordance with the accounts which the abbot of Clairvaux had received from St. Malachy, and his disciples.[3] The ancient division of the island into five provinces or kingdoms was still retained;[4] but the nominal sovereignty over the whole, which for several generations had been possessed by the O'Neals, had of late been assumed by different chieftains, and was now claimed by the O'Connors, kings of Connaught. The seaports, inhabited chiefly by the descendants of the Ostmen, were places of some trade.[5] Dublin is styled the rival of London; and the wines of Languedoc were imported in exchange for hides.[6] But the majority of the natives shunned the towns, and lived in huts in the country. They preferred pasturage to agriculture. Restraint and labour were

[1] Davis, Reports, p. 134.

[2] Of a great council of the laity and clergy assembled in 1167, it is remarked as something very extraordinary, "that they separated in peace, without quarrel, or battle, or recrimination, owing to the great prudence of Roderick, king of Ireland."—Annal. iv. Magist. ad ann.

[3] I have attentively perused the Cambrensis eversus of Lynch, a work of much learning and ingenuity. In several instances he may have overturned the statements of Girald; in the more important points he has completely failed. The charge of barbarism so frequently and forcibly brought forward by St. Bernard, could be neither repelled nor evaded. His principal resource has been to insinuate, that it should be confined to a small district, though his authority describes it as general (per universam Hiberniam . . . ubique.—Vit. Malach. 1937); and to contend that it was eradicated by St. Malachy, though the contrary is proved by incontestable evidence.—See Lynch, p. 151.

[4] These provinces were Leinster, Desmond or South Munster, Tuamond or North Munster, Connaught, and Ulster. Meath was considered as annexed to the dignity of monarch of Ireland. Dr. O'Connor has attempted to describe the limits of these divisions from the more ancient writers.—Proleg. lviii. lix.

[5] The Ostmen of Ireland were the same as the Northmen of the Saxon writers. Their native country lay to the eastward.—Girald, 750.

[6] Girald, 700. Divilinum, urbem maritimam, portuque celeberrimo nostrarum emulam Londoniarum.—Newb. ii. 26.

deemed by them the worst of evils; liberty and indolence the most desirable of blessings.[1] The children owed little to the care of their parents; but, shaped by the hand of nature, they acquired, as they grew up, elegant forms, which, aided by their lofty stature and florid complexion, excited the admiration of the invaders. Their clothing was scanty, fashioned after the manner which to the eye of Girald appeared barbarous, and spun from the wool of their sheep, sometimes dyed, but generally in its natural state. In battle they measured the valour of the combatants by their contempt of artificial assistance; and when they beheld the English knights covered with iron, hesitated not to pronounce them devoid of real courage. Their own arms were a short lance, or two javelins, a sword called a skene, about fifteen inches long, and a hatchet of steel called a "sparthe." The sparthe proved a most formidable weapon. It was wielded with one hand, but with such address and impetuosity, as generally to penetrate through the best-tempered armour. To bear it was the distinction of freemen; and as it was always in the hand, it was frequently made the instrument of revenge.[2] They constructed their houses of timber and wicker-work with an ingenuity which extorted the praise of the English.[3] Their churches were generally built of the same materials; and when Archbishop Malachy began to erect one of stone, the very attempt excited an insurrection of the people, who reproached him with abandoning the customs of his country, and introducing those of Gaul.[4] In temper the natives are described as irascible and inconstant, warmly attached to their friends, faithless and vindictive towards their enemies.[5] Music was the acquirement in which they principally sought to excel; and the Welshman, with all his partiality for his own country, has the honesty to assign to the Irish the superiority on the harp.[6]

That the clergy of Ireland in the sixth century differed in some points of discipline from the clergy of the neighbouring churches, is plain from the disputes respecting the time of Easter and the form of the tonsure: that they agreed in all points of doctrine is equally evident from the history of these very disputes, from the cordial reception of the Irish ecclesiastics in Gaul and Italy, and from the easy amalgamation of their rules with those of the continental monks.[7] During the invasions of the Northmen, they were the principal sufferers; at the return of tranquillity

[1] Girald, 739.

[2] Girald, 738, 743.

[3] They erected for Henry II. at Dublin virgeum palatium magnum.—Gerv. 1421. It is called by Brompton, Opus de virgis mirifice ad modum illius patriæ.—Bromp. 1079.

[4] He wished to build at Benchor oratorium lapideum ad instar illorum quæ in aliis regionibus extructa conspexerat. Indigenæ mirati sunt, quod in terra illa necdum ædificia ejusmodi invenirentur.—O bone vir, quid tibi visum est nostris hanc inducere regionibus novitatem. Scoti sumus, non Galli.—S. Bern. in Vit. S. Malach. 1952. He had built in the same place, but before he had visited other countries, de lignis lævigatis, sed apte firmiterque contextum, opus Scoticum, pulchrum satis.—Id. 1935. I observe that Bede, four centuries before, gave the same name of opera Scotica to the wooden churches built in the north of England by the Irish missionaries.—Bed. Hist. iii. 25.

[5] Girald, 743. See some instances in Vit. Malach. 1950, 1951.

[6] Id. 739.

[7] Though the moderns tell us that they did not admit the supremacy of the popes, no such information is contained in any ancient writer. From Bede we incidentally learn that on points of difficulty they were accustomed to consult the Roman church (Hist. ii. 19), and to submit to its decisions. —Hist. iii. 3. Cummin (he wrote in 630), in his letter to Segienus, says that to obtain the judgment of the Holy see, misimus quos novimus sapientes esse, velut natos ad matrem.—Ussher, Syl. Ep. p. 34.

their churches and possessions fell, in many instances at least, into the hands of laymen, and were retained, according to the custom of tanistry, in the possession of the same family for several generations.[1] This was the fate even of the church of Armagh, the original see of St. Patrick, and the residence of the metropolitan of Ireland. During the lapse of almost two centuries it had been occupied by individuals of the same lineage, fifteen of whom immediately succeeded each other. Of these six only were clergymen; the rest were lay chieftains, who, though they did not presume to exercise the episcopal functions, enjoyed with the title the emoluments of the bishopric. Celsus determined to abolish this abuse, and chose for his successor the celebrated Malachy O'Morgan; but the family of Celsus deemed the appointment an invasion of their just rights, and at his death placed Maurice, one of his relatives, on the metropolitan throne. Maurice at his decease left his dignity to Nichel; but Nichel was expelled by the neighbouring chieftains, and Malachy, after a delay of five years, obtained the precarious possession of Armagh. It was to this prostitution of the archiepiscopal authority, that St. Bernard attributed the want of canonical discipline among the clergy, and the prevalence of immorality, superstition, and incestuous concubineage among the people.[2] To remedy such evils, the popes, for almost a century before the invasion, had employed the zeal of foreign and national legates; and Girald bears a willing testimony to the general character of the clergy, with whom he had been acquainted. But while he praises their devotion, continency,[3] and personal virtues, he justly complains, that, living in communities under the eye of their bishop and abbot, they confined themselves to the practices of the monastic profession, and neglected the principal office of clergymen, the duty of instructing the ignorance, and of reproving the vices of the people.[4]

The proximity of Ireland to England, and the inferiority of the natives in the art of war, had suggested the idea of conquest to both William the Conqueror and the first Henry. The task, which they had abandoned, was seriously taken up by the son of Matilda. To justify the invasion of a free and unoffending people, his ambition had discovered that the civilization of their manners and the reform of their clergy were benefits, which the Irish ought cheerfully to purchase with the loss of their inde-

[1] This custom prevailed both in Wales and Ireland. Hæc ecclesia, says Giraldus, sicut et aliæ per Hiberniam et Walliam plures, abbatem laicum habet. Usus enim inolevit, et prava consuetudo, ut viri in parochia potentes, primo ecclesiarum patroni et defensores a clero constituti, postea totum sibi jus usurparent, terras omnes sibi appropriarent, solum altaria cum decimis et obventionibus clero relinquentes, et hæc ipsa filiis suis clericis et cognatis assignantes. —Itin. Camp. 863. Thus when St. Malachy was made abbot of Benchor, the possessions of the monastery were held by the lay abbot. A tempore quo destructum est monasterium non defuit, qui illud teneret cum possessionibus suis. Nam et constituebantur, per electionem etiam, et abbates appellabantur, servantes nomine et non re quod olim extiterat.—D. Bernard. in Vit. Malach. 1935.

[2] Vit. S. Malach. 1937—1941. Serm. in transitu Malach. 301. Inde tota illa per universam Hiberniam dissolutio ecclesiasticæ disciplinæ. Inde illa ubique pro consuetudine Christiana sæva subintroducta barbaries (1937).—See also 1932, 1936. Girald, 742, 743.

[3] We are repeatedly told that the ancient clergy of Ireland were married; but I can find no proof of the assertion. The fragment which is so often quoted from Ussher, means the reverse. It states that the missionaries, the saints of the first order, who lived among the people, did not refuse the services of women, because they were superior to temptation, while those of the second order, who followed them, dwelt in monasteries, from the precincts of which females were excluded.—Ussher, 913.

[4] Girald, 745, 746.

pendence. Within a few months after his coronation, John of Salisbury, a learned monk, and afterwards bishop of Chartres, was despatched to solicit the approbation of Pope Adrian. The envoy was charged to assure his holiness that Henry's principal object was to provide instruction for an ignorant people, to extirpate vice from the Lord's vineyard, and to extend to Ireland the annual payment of Peter-pence; but that as every Christian island was the property of the Holy see,[1] he did not presume to make the attempt without the advice and consent of the successor of St. Peter. The pontiff, who must have smiled at the hypocrisy of this address, praised in his reply the piety of his dutiful son; accepted and asserted the right of sovereignty which had been so liberally admitted; expressed the satisfaction with which he assented to the king's request: and exhorted him to bear always in mind the conditions on which that assent had been grounded.[2] At the following Michaelmas a great council was held to deliberate on the enterprise; but a strong opposition was made by the empress mother, and the barons; other projects offered themselves to Henry's ambition; and the papal letter was consigned to oblivion in the archives of the castle of Winchester.[3]

Fourteen years after this singular negotiation, a few Welsh adventurers landed in Ireland at the solicitation of one of the native princes. Dermot, king of Leinster, had several years before carried away by force Dervorgil, the wife of O'Ruarc, prince of Breffny or Leitrim. The lady appears to have been a willing captive; but the husband, to avenge his disgrace, claimed the assistance of Turlogh O'Connor, monarch of Ireland; and the adulterer was compelled to restore the fugitive. From this period Dermot and O'Ruarc adhered to opposite interests in all the disputes which agitated the island. During the life of Maurice O'Loghlin, who succeeded O'Connor in the sovereign authority, Dermot braved the power of his adversary; but on the death of that prince, the house of O'Connor resumed the ascendancy: O'Ruarc destroyed Ferns, the capital of Lein-

[1] Sane Hiberniam et omnes insulas (Hume seems to have read regna, for he translates it kingdoms), quibus sol justitiæ Christus illuxit, . . ad jus S. Petri et sacrosanctæ Romanæ ecclesiæ (quod tua etiam nobilitas recognoscit) non est dubium pertinere.—Chart. Adriani, Leg. Sax. 349. But on what did this extraordinary claim rest? On the donation of Constantine, the authenticity of which was never questioned by the critics of those ages. This we learn from the negotiator himself. Omnes insulæ de jure antiquo, ex donatione Constantini, qui eam fundavit et dotavit, dicuntur ad ecclesiam Romanam pertinere.—Joan. Saris. Metalog. iv. 42. Keating (p. 548) pretends that the Irish princes in 1092 gave the sovereignty of the island to Pope Urban II., through enmity to Donchad O'Brian, king of Munster. But Donchad was expelled in 1047, and the Irish in their memorial to John XXII. contend that their monarchs never acknowledged a superior in temporals before the English invasion.—Ford. xii. 26.

[2] See the letter in Girald, 787; Diceto, 529; Leg. Sax. 319; New Rymer, 19. A most unfaithful translation is published in Mr. Plowden's Ireland, tom. i. App. No. 1. John of Salisbury, who must have known its real purport, calls it a grant of inheritance. Ad preces meas Henrico concessit et dedit Hyberniam jure hæreditario possidendam, sicut literæ ipsius testantur.—Metalog. iv. 42. It is however observable, that Adrian in this instrument avoids the usual language of feudal grants; he merely signifies his acquiescence in the king's project; he is willing that Henry should enter Ireland, and be acknowledged as lord by the natives. Gratum et acceptum habemus, ut pro dilatandis ecclesiæ terminis, &c., insulam illam ingrediaris—et illius terræ populus honorifice te recipiat, et sicut dominum veneretur. —Leg. Sax. ibid. Compare this with Hume's account, c. ix.

[3] Chron. Norm. 691. When Louis, a few years later (1159), meditated a similar expedition into Spain, and for that purpose requested the consilium et favorem Romanæ ecclesiæ, the answer was very different. Adrian dissuaded him, because it was inconsulta ecclesia et populo terræ illius.—Bouquet, xv. 690.

ster; and Dermot was driven out of the island.[1] The exile, abandoned by his countrymen, solicited the assistance of strangers. Passing through England to Aquitaine, he did homage for his dominions to Henry, and obtained permission to enlist adventurers in his service. His offers were accepted by Richard de Clare, surnamed Strongbow, earl of Strigul or Pembroke,[2] a nobleman of ruined fortunes and in disgrace with his sovereign, and by two brothers, Robert Fitz-Stephen and Maurice Fitz-Gerald, Welsh gentlemen, equally distressed in their circumstances, and equally ready to engage in any desperate enterprise.[3] Relying on their promises, Dermot returned to Ireland, and found, during the winter months, a secure asylum in the monastery of Ferns. In the beginning of summer Fitz-Stephen landed in Bannock Bay, accompanied or followed by one hundred and forty knights, sixty coats of mail, and three hundred archers. The king joined them with a body of natives, and by the reduction of Wexford, struck dismay into the hearts of his enemies. He then led his forces against Donald, the prince of Ossory, a ferocious chieftain, whose jealousy a few years before had deprived the eldest of Dermot's sons of sight, and afterwards of life. The men of Ossory, five thousand in number, amid their forests and marshes, defended themselves with success; but by a pretended flight they were drawn into the plain, where a charge of the English cavalry bore them to the ground, and the fallen were immediately despatched by the natives under the banner of Dermot. A trophy of two hundred heads was erected at the feet of that savage, who testified his joy by clapping his hands, leaping in the air, and pouring out thanksgivings to the Almighty. As he turned over the heap, he discovered the head of a former enemy. His hatred was rekindled at the sight, and seizing it by the ears, in a paroxysm of fury, he tore off the nose with his teeth.[4]

The ambition of Dermot now aspired to the sovereignty of the island. With this view he solicited reinforcements from England, and reminded the earl of Strigul of his engagements. "We have seen," says the king, in a singular letter preserved by Girald, "the storks and the swallows. The birds of the spring have paid us their annual visit; and at the warning of the blast have departed to other climes. But our best friend has hitherto disappointed our hopes. Neither the breezes of the summer, nor the storms of the winter, have conducted him to these shores."[5] His expectations were soon realized by the arrival of Fitz-Gerald and Raymond, with twenty knights, thirty coats of mail, and one hundred and seventy archers. The strangers landed four miles to the south of Waterford, and were immediately opposed by O'Phelan at the head of three thousand men. They retired before the multitude to the rock of Dundolf, where, aided by the advantage of the ground, they repelled every attack. Fame exaggerated the loss of the natives to five hundred men; but the

[1] I have preferred this account of the Irish annalists to that of Girald.

[2] He took the title of Strigul from a castle of that name near Chepstow.—Dugd. Introd. to Baron.

[3] These brothers were by different husbands the sons of Nesta, a Welsh princess, who while she was the mistress of Henry I. had borne to that monarch Robert, the celebrated earl of Gloucester.

[4] Girald seems to have received the account from an eye-witness (760, 763). The decapitation of the slain was probably an Irish custom. But if it were, it was adopted by the invaders. When O'Ruarc was slain at a conference between him and Hugh de Lacy, his head was sent to the king in England (Girald, 780); and on the defeat of the men of Kilkenny, the victors offered one hundred heads to Prince John in Dublin.—Id. 807.

[5] Girald, 767.

glory of the victory was sullied by the cruelty of the invaders, who wantonly precipitated seventy of their captives from the promontory into the sea.[1]

When Strongbow despatched the last reinforcement, he had obtained an ambiguous permission from Henry: he now followed with twelve hundred archers and knights, though he had recently received an absolute prohibition. At the third assault Waterford was taken. Dermot eagerly marched against Dublin. It was carried by storm, and the victor testified by numerous donations his gratitude for the services of his auxiliaries. But while he was meditating new conquests, he was arrested by death; and Strongbow, who had previously married his daughter Eva, and had been appointed his successor, immediately assumed the royal authority. The most powerful efforts were now made to expel the strangers from Dublin. The former inhabitants, who had escaped under Asculf the Ostman, attempted, with the aid of sixty Norwegian vessels, to regain the city. They were scarcely repulsed, when Roderic, king of Connaught, sat down before it. In the ninth week of the siege he was surprised by a sally from the garrison, and the multitude of his followers was completely dispersed. Lastly, O'Ruarc with the natives of Meath undertook to avenge the cause of his country. He lost his son, and the bravest of his associates.[2]

When the Welsh adventurers first sailed to the aid of Dermot, Henry had viewed the enterprise with contempt; their subsequent success awakened his jealousy. As soon as he heard of the capture of Waterford, he forbade by proclamation any of his subjects to cross over to Ireland, and commanded all who had already joined in the invasion, to return under the penalty of forfeiture. Strongbow was alarmed, and despatched Raymond to lay his conquests at the feet of his sovereign. The messenger was unable to procure an answer. Henry of Mountmaurice followed, and was equally unsuccessful. The earl, convinced of his danger, now adopted the advice of his friends, and repairing to England, waited on Henry at Newnham, in Gloucestershire. At first he was ignominiously refused an audience; and to recover the royal favour, renewed his homage and fealty, surrendered to Henry the city of Dublin, the surrounding cantreds, and the castles and harbours in his possession, and consented to hold the remainder of his lands in Ireland as tenant in chief of the English crown. With this the king was satisfied; the acquisitions of the adventurers had been transferred to himself; and he permitted Strongbow to accompany him to Milford Haven, where he embarked with five hundred knights, their esquires, and a numerous body of archers, on board a fleet of four hundred transports. He landed at Waterford, received during a hasty progress the homage of the neighbouring princes, and directed his march towards Dublin, where a temporary palace of timber had been erected for his reception. It was his wish rather to allure than to compel submission; and the chieftains whom hope, or fear, or example, daily led to his court, were induced to swear obedience to his authority, were invited to his table, and were taught to admire the magnificence and affability of their new sovereign. But while so many others crowded to Dublin, the pride of O'Connor refused to meet a superior; and the severity of the season, with the inundation of the country, placed him beyond the

[1] Girald, 766—769.

[2] Girald, 766—775.

reach of resentment. He condescended, however, to see the royal messengers on the banks of the Shannon, and to make in their presence a nominal submission. The princes of Ulster alone obstinately preserved their independence: they would neither visit the king, nor own his authority.[1]

When in the preceding year Dermot let loose his foreign auxiliaries against his countrymen, the Irish bishops, surprised at their unexampled success, had assembled at Armagh, and looking on the strangers as the ministers of the divine wrath, had enacted that every slave who had been imported from England, should be immediately restored to his freedom.[2] After the arrival of Henry, they held another synod at Cashel, under the presidency of the papal legate, the bishop of Lismore: signed a formal recognition of the king's sovereignty; and framed several canons for the reform of their church. By these polygamy and incestuous marriages were prohibited; baptism was ordered to be administered by the priest in the church, and not by laymen in private houses; the clergy were declared exempt from the exactions of their chieftains; the payment of tithes and the chant of the service were enjoined: the form was prescribed by which the dying ought to dispose of their property; and provision was made for the decent sepulture of the dead.[3] The archbishop of Armagh, a prelate advanced in years, and venerated for his sanctity, was prevented by indisposition from attending the council; but he visited the king at Dublin, and amused the courtiers by exhibiting as his travelling companion a white cow, the milk of which formed the principal part of his nourishment.[4]

It had been the wish of Henry to spend the following summer in Ireland, to penetrate to the western and northern coasts, and by the erection of castles in favourable situations to insure the submission of the country. But he was recalled to England in the spring by affairs of greater urgency; and left the island without having added an inch of territory to the acquisitions of the original adventurers. His nominal sovereignty was, indeed, extended over four out of five provinces, but his real authority was confined to the cantreds in the vicinity of his garrisons. There the feudal customs and services were introduced and enforced; in the rest of the island the national laws prevailed; and the Irish princes felt no other change in their situation, than that they had promised to a distant prince the obedience which they had previously paid to the king of Connaught. At Henry's departure the supreme command had been given by him to Hugh de Lacy, with the county of Meath for his fee. But during the war which afterwards ensued between the king and his sons, De Lacy was summoned to the assistance of the father, and the government of the English conquests reverted to the earl of Strigul, who possessed neither the authority to check the rapacity of his followers, nor the power to overawe the hostility of the natives. The castles which had been fortified in Meath were burnt to the ground; Dublin was repeatedly insulted; four English knights, and four hundred Ostmen, their followers, fell in a battle in Ossory; and the governor himself was compelled to seek refuge within

[1] Girald, 770, 775, 776. Gervase, 1420. Newbrig. ii. 26.
[2] Girald, 770.
[3] Girald, 776. Ben. Abb. 30, 31. Brompt. 1071.

[4] He died in 1174, in his 87th year. The four masters give him this character. Vir virginea puritate et cordis munditia coram Deo et hominibus, gloriosus in senectute bona sanctissime obiit.—Iid. ad ann.

the castle of Waterford. A seasonable supply of forces raised the siege, and restored the preponderance of the English adventurers.[1]

It was during this period, when his authority in Ireland was nearly annihilated, that Henry bethought him of the letter which he had formerly procured from Pope Adrian. It had been forgotten during almost twenty years; now it was drawn from obscurity, was intrusted to William Fitz-Aldhelm, and Nicholas, prior of Wallingford, and was read by them with much solemnity to a synod of Irish bishops.[2] How far it served to convince these prelates that the king was the rightful sovereign of the island, we are left to conjecture; but the next year O'Connor sent the archbishop of Tuam to Windsor, and a treaty of "final concord" was concluded by the ministers of the two princes. In this instrument Henry grants to his liege man, Roderic, king of Connaught, that he should be king under the English crown, as long as he faithfully performed the services to which he was bound; that, on the annual payment of tribute, he should possess his own lands in peace, as he did before the invasion; that he should have under him all the other chieftains of Ireland, who should hold their lands in peace, as long as they were faithful to the king of England, and paid him tribute; that Roderic should collect that tribute and transmit it to Henry; should punish the defaulters; and, if it were necessary, call in for that purpose the aid of the king's constable; that the tribute should be every tenth merchantable hide on the lands of the natives; that the authority of Roderic should extend over the whole island with the exception of the demesne lands belonging to Henry, and those belonging to his barons, that is Dublin, Meath, Wexford, and Waterford, as far as Duncannon.[3] Roderic afterwards surrendered one of his sons to Henry as a hostage for his fidelity.[4]

But treaties could not bind the passions of either the natives or foreigners. The former, urged by national resentment, seized every opportunity of wreaking their vengeance on their despoilers; the latter, for the most part men of lawless habits and desperate fortunes, could support them-

[1] Girald, 778, 782, 785, 786.

[2] Girald, 787. Henry also procured at this time a confirmation of Adrian's grant. Concessionem ejusdem Adriani super Hibernici regni dominio vobis indulto ratam habemus, et confirmamus: quatenus, eliminatis terræ illius spurcitiis, barbara natio quæ Christiano censetur nomine, vestra indulgentia morum induat venustatem.—Ussher, Syl. Epist. 111. These expressions have aroused the indignation of some native writers, who probably were not aware of the causes which induced the pontiff to make use of them. In the Liber niger Scaccarii (p. 42—49, and in the New Rymer, 45), are three briefs dated on the 20th of September, 1172, and directed to the king of England, to the kings and princes of Ireland, and to the prelates who had assembled in the council of Cashel, and who had sent him a written account of the state of their church. In all these briefs the pontiff speaks in strong terms of the licentious habits, and the untamed passions of the people. The following extract will perhaps justify the offensive expressions: Ut alias enormitates et vitia quibus eadem gens, omissa religione Christianæ fidei satis irreverenter deservit, omittamus . . . novercas suas publice introducunt, et ex eis non erubescunt filios procreare, frater uxore fratris eo vivente abutitur, unus se duabus sororibus miscet, et plerique illorum, matre relicta, filias introducunt.—Ibid. p. 45. Nor does this statement depend solely on the authority of the pontiff; it is confirmed by every other monument of the times. Both Archbishop Lanfranc and his successor St. Anselm, in their correspondence with the Irish kings, make similar complaints. The latter says, Viri ita libere et publice suas uxores uxoribus aliorum commutant, sicut quilibet equum equo.—Ussher, Syl. Epist. 70, 94, 95. See also St. Bernard in Vit. Mal. 1932, 1936, 1937; Girald, 742, 748. Truth, the first duty of the historian, has compelled me to notice these passages; nor do I see how it can affect the character of a noble and highly-gifted people, if they acknowledge that their ancestors, like the ancestors of their neighbours, were in former ages far removed from the habits and decencies of civilized life.

[3] Rym. Fœd. i. 41. Ben. Abb. ii. 123.

[4] Id. Hov. 348.

selves only by plunder, and therefore sought every pretext to create or to prolong hostilities. Strongbow died in 1177, leaving two children by Eva, a son, who followed his father to the grave, and a daughter, named Isabella, heiress to the kingdom of Leinster. With the guardianship of this lady, Henry conferred the government on Fitz-Aldhelm, a minister fond of money, and addicted to pleasure, who shunned the dangers of war, and enriched himself at the expense of his inferiors. De Courcy, a rough soldier, and second in command, took advantage of the discontent of the army, and with three hundred and fifty men, in defiance of the governor's prohibition, made an incursion into the province of Ulster. They hoped to surprise Mac Dunleve, the king, in his residence at Downpatrick: to their astonishment, with the Irish chief they found the Cardinal Vivian, a legate from Rome, on his road towards Dublin. This ecclesiastic, unable to dissuade the invaders, gave his benediction to Mac Dunleve, and exhorted him to fight bravely in the defence of his country. But, though the men of Ulster were famed for their courage, they were no match for the superior discipline and armour of their opponents; in the three battles victory declared for De Courcy, and the conqueror was able to retain the possession of Downpatrick, in despite of the constant, and occasionally successful, hostilities of the natives.[1]

Henry had obtained from the pontiff a bull empowering him to enfeoff any one of his sons with the lordship of Ireland. In a great council assembled at Oxford he conferred that dignity on John, a boy in his twelfth year; and cancelling the grants which he had formerly made, retained for himself in demesne all the seaports with the adjoining cantreds, and distributed the rest of the English possessions among the chief adventurers, to be holden by the tenure of military service of him, and of his son John.[2] At the same time Hugh de Lacy was appointed lord deputy, an officer, whose talents and administration have been deservedly praised. He rebuilt the castles in Meath, invited the fugitives to re-settle in their former homes, and by his equity and prudence reconciled them to the dominion of strangers. But his merit, joined to his marriage with a daughter of Roderic O'Connor, alarmed the jealous temper of Henry, and he received an order to resign his authority to Philip de Worcester, who in a few months was superseded by the arrival of Prince John, attended by a numerous force. Unfortunately the counsellors and favourites of the prince were Normans, who viewed with equal contempt the chieftains of the Irish and the adventurers from Wales. The former they irritated by insults, ridiculing their garb, and plucking their beards; the latter they offended by removing them from the garrison towns to serve in the marches. Their thirst for wealth made no distinction between friend or foe. Even the lands of the Septs, which had hitherto proved faithful, were now divided; and the exiles, from the desire of revenge, their local knowledge, and their gradual improvement in the art of war, soon became formidable adversaries. The strangers lost several of their most fortunate leaders, with the greater part of their retainers; the English ascendancy rapidly declined; the council was divided by opposite opinions and angry recriminations; and John, after an inglorious rule of nine months, was recalled by his father.[3] De Courcy, who succeeded him, by repeated and laborious expe-

[1] Girald, 794. Ben. Abbas, 169. Newbrig. iii. 9.

[2] Hoved. 233.

[3] Girald. 805, 807, 808. Hoved. 359.

ditions, preserved, if he did not extend, the English conquests; which comprised the maritime districts of Down, Dublin, Wexford, Waterford, and Cork, connected with each other by a long chain of forts. This was the period when the natives, had they united in the cause of their country, might, in all probability, have expelled the invaders. But they wasted their strength in domestic feuds. Even the family of their national sovereign was divided by a most sanguinary contest. Murrogh, the son of Roderic, with the aid of an English partisan, had invaded the territory of his father. He was taken, imprisoned, and deprived of sight. His partisans rescued him; and Roderic retired to a convent. By the English of Munster the old king was restored to his throne; his son Connor Manmoy compelled him once more to return to his asylum. Manmoy was murdered by one of his brothers; that brother fell by the revenge of a nephew; and Connaught presented a dreadful scene of anarchy and carnage, till another brother, Cathal the bloody-handed, subdued every competitor, and obtained the pre-eminence which had been enjoyed by his father.[1]

That the reader might form an accurate notion of the manner in which the authority of the English princes was originally established in Ireland, I have conducted the narrative of these events to the death of Henry. It is now time to revert to the personal history of that monarch. During five months, from the day of his landing at Waterford till the end of March, it was observed that not a single vessel from England or his territories on the continent had arrived on the Irish coast. So unusual a suspension of intercourse was attributed to the tempestuous state of the weather; the real cause was the policy of the king, who even at that distance dreaded the spiritual arms of the legates. At Wexford he received a favourable message; and sailing instantly for England, traversed the island with expedition, and crossed the Channel to Normandy. When Louis, who believed him to be in Dublin, heard that he was at Barfleur, he exclaimed: "The king of England neither rides nor sails. He flies with the rapidity of a bird. One moment transports him from Ireland to England; another from England to France." If his first conference with the legates proved unsatisfactory, at the second every difficulty was amicably adjusted. In the cathedral of Avranches, before the legates, bishops, barons, and people, with his hand placed on the book of the Gospels, he solemnly swore that he was innocent both in word and deed of the murder of the archbishop. This oath was taken spontaneously; but, as he could not deny that he had at least given occasion by passionate expressions to the project of the assassins, he consented to maintain during twelve months two hundred knights for the defence of the Holy Land, to serve in person, if the pope required it, for three years against the infidels either in Palestine or Spain; to restore the lands and possessions belonging to the friends of the archbishop; to allow appeals on taking reasonable security from persons whom he suspected; and to abolish the customs hostile to the liberties of the clergy, if any such customs had been introduced since his accession.[2] Immediately after the oath, the king was solemnly absolved

[1] Roderic retired to the monastery of Conga in 1184, and died in 1198, at the age of 82. At his death he divided his treasures among the poor, the churches of Ireland, and those of Rome and Jerusalem. —O'Connor, lxxxviii.

[2] Hoved. 302, 303. Ep. S. Tho. ii. 119, 122, 125. Ep. Joan. Saris. 290. New Rymer, 27. In the oath published from the acts of Alexander by Baronius (xii. 637), and by Muratori (Rer. Ital. Scrip. iii. 463), there occurs an additional and very im-

from all censures by the legates. The young king took the same oath, with the exception of those articles which regarded his father personally.

The reader will have observed that by the last article the original cause of the dissension between Henry and the late primate had been left open for discussion. Four years elapsed before the question was terminated. During the interval the Constitutions of Clarendon, though still unrepealed, were not enforced; and the secular and spiritual tribunals, though actuated by the same spirit of rivalry, preferred their respective claims with unusual moderation. The former were struck dumb by the martyrdom of the primate and the subsequent submission of the monarch; the latter were checked by the indecision of Richard, the new archbishop, whose courage evaporated in vaunts and menaces. At length, in consequence of a request from the king, a legate arrived, the cardinal Hugo Petroleone, a relation and friend of Henry. In a great council at Northampton the matter was debated; and the result may be learned from a letter which the king sent to Alexander by the legate. After professing his high veneration for the pontiff, Henry informs him, that, notwithstanding the opposition of many of his barons, the four following points had been granted: 1. That no clergyman should be personally arraigned before a secular judge for any crime or transgression, unless it were against the laws of the forest, or regarded a lay fee, for which he owed service to a lay lord: 2. That no bishopric or abbey should be kept in the king's hands longer than a year, unless it were required by the evident necessity of the case: 3. That the murderers of clerks, on their conviction or confession before the king's justice, in the presence of the bishop or his officer, besides the usual punishment of laymen, should forfeit their inheritance for ever: 4. and that clergymen should never be compelled to make wager of battle.[1] The exception in the first of these articles was severely condemned by the clergy, but could not with decency be opposed by the legate. The church had forbidden to

portant article. Præterea ego et major filius mèus rex juramus quod a domino Alexandro papa et catholicis ejus successoribus recipiemus et tenebimus regnum Angliæ, et nos et successores nostri in perpetuum non reputabimus nos Angliæ veros reges, donec ipsi nos catholicos reges tenuerint. From the silence of all the letters now extant, which were written on the occasion, the authenticity of this article might fairly be doubted, were it not supported by what seems to me incontrovertible evidence. 1°. It is certain that besides the public oaths, there were private articles, which were kept secret. The legates say: promisit etiam et alia de libera voluntate gerenda, quæ non oportet scripturæ serie denotare. — Ep. Card. ad Archiep. Senon. Ep. S. Thom. ii. 124; ad Archiep. Raven, ibid. 125. 2°. Henry himself the very next year, in a letter preserved by his secretary Peter de Blois, mentions as a thing perfectly understood between him and the pope, that he holds the kingdom of England in fee from the Roman church. Vestræ jurisdictionis est regnum Angliæ, et quantum ad feudatarii juris obligationem vobis duntaxat obnoxius teneor et astringor. —Pet. Bles. Ep. 136. I conceive therefore that this oath of feudal subjection was one of those things which he added de libera voluntate. Another thing was freedom of canonical election, which he then granted at the request of the pope.—See his letter to Alexander, Ep. S. Thom. ii. 289.

[1] Diceto, 591, 592. Notwithstanding this original letter, preserved by a contemporary historian, several modern writers tell us that in this council the Constitutions of Clarendon were renewed and confirmed. They have been misled by an interpolation in the text of Gervase, owing probably to the ignorance of some copier. Gervase tells us (1433), that the assize of Clarendon was renewed and ordered to be enforced: after which come these words: pro cujus execrandis institutis beatus martyr Thomas exulavit, et martyrio coronatus est. It is, however, certain that the assize of Clarendon was a very different thing from the Constitutions of Clarendon. Both Benedictus Abbas (i. 136), and Hoveden (413), seem to have inserted it in their account of the council of Northampton. It formed the code of instructions given to the itinerant judges, and has been published by Sir F. Palgrave in his second volume.

ecclesiastics the exercise of hunting; and, if in the pursuit of this amusement they involved themselves in trouble, it was unreasonable that they should claim the protection of the very canons which they had broken. With respect to the third article, it may be observed, that the spiritual courts asserted a jurisdiction over the murderers of clerks: but as they could only impose the canonical penance of a pilgrimage to Rome, to obtain absolution from the pontiff, the inadequacy of the punishment tended to encourage rather than restrain the perpetration of the crime. Hence it became the wish of the prelates themselves that the trial of such offences should be confined to the secular courts, but in the presence of the bishop or of his deputy, to see that justice was done.[1] The usual punishment was then inflicted on the convict, the amputation of a foot and hand; and to this was added the forfeiture of his property. The remaining articles require no explanation.

In his negotiation with the cardinals Theodin and Albert, Henry had succeeded beyond his most sanguine expectations. His tranquillity was soon interrupted by a new and equally vexatious quarrel originating in his own family. For his children in their more early years he had displayed an affection bordering on excess; but as they grew up, the indulgent parent was gradually changed into a jealous and despotic sovereign. Eleanor had borne him four sons, to each of whom his extensive dominions offered an ample inheritance. Henry, the eldest, had already been crowned king of England; the duchies of Aquitaine and Bretagne were settled on Richard and Geoffrey; and John, the youngest, though the courtiers called him "lackland" and "sansterre," was destined by his father to succeed to the lordship of Ireland. For reasons, with which we are unacquainted, Henry had not permitted the consort of his eldest son to be crowned with her husband; and the omission was resented by Louis as a marked and unpardonable insult both to himself and his daughter. To appease that monarch the ceremony was now repeated. Margaret was anointed and crowned together with Henry; and soon afterwards the young king and queen paid a visit to her father at Paris. On their return they required the immediate possession of England or Normandy, that with the title they might be enabled to maintain the dignity which they had received. The demand was heard with indignation, and dismissed with contempt; and Eleanor, who had foreseen, laboured to foment, the discontent of her son. Once, that princess had been passionately attached to her husband; but for some years he had deserted her bed for a succession of mistresses; and she eagerly grasped the opportunity of inflicting that revenge, with the hope of which she had consoled her jealousy. At her instigation the young Henry, while the court was on its return from Limoges, eloped to his father-in-law at St. Denis; before three days had elapsed, Richard and Geoffrey followed the footsteps of their brother; and shortly afterwards it was ascertained that the queen herself, the original contriver of the mischief, had also absconded.[2]

[1] There is among the letters of Peter of Blois one from the primate on this subject, written to three of the bishops, probably just before the council of Northampton. He maintains that the claim of criminal jurisdiction in such cases is contrary to the gospel and the decretals; that it leaves the lives of the clergy without protection, is the cause of many murders; and that as the church has not the power of inflicting adequate punishment, the cognizance of such offences ought to be restored to the secular tribunals.—Bles. Epist. 73. I conceive that the third article was enacted in consequence of this letter.

[2] Newb. ii. 27. Dicet. 559, 561. Hov. 305.

These unexpected events, so rapidly succeeding each other, convinced the king of the existence of a plot more deeply laid, and more widely diffused, than he had suspected. His first object was the recovery of his wife, and his three sons. With this view he employed the bishops of Normandy to write to Eleanor an admonitory letter, in which they assured her, that unless she returned to her husband, and brought her children with her, they should feel it their duty to enforce obedience by ecclesiastical censures. She escaped, however, the disgrace of excommunication by what she probably deemed a more serious evil. She fell into the hands of her offended husband, by whom she was immediately committed to close confinement. With the exception of one short interval, probably of only a few weeks, she remained a prisoner till his decease.[1]

At the same time Henry had sent the archbishop of Rouen, and the bishop of Lisieux, to Paris, with instructions to solicit the return of his sons, and an offer to make the king of France umpire between him and them. The reader may judge how cruelly his feelings must have been wounded by the reproachful, though not unmerited, reply of Louis. "He spoke of your character," say the two prelates in a letter to Henry, "with freedom and asperity. He said that he had already been too often the dupe of your artifice and hypocrisy; that you had repeatedly, and on the slightest pretences, violated your most sacred engagements; and that after the experience which he had had of your duplicity, he had determined never more to put faith in your promises. Pardon us, royal sir, if we think it our duty to write, what it was painful to us to hear; but our charge requires that we should not only deliver the message which was intrusted to us, but also report the answer which we received."[2]

At Easter the plans of the three princes began to be developed. Louis and the French barons, who had been summoned for the occasion, bound themselves by oath to aid with all their power the young Henry in his attempt to obtain possession of England; while he, on his part, solemnly engaged never to make peace with his father without the consent of the king and the nobility of France. Philip, earl of Flanders, who was present, and William, king of Scotland, who had sent his ambassadors, entered into the league; nor did the two princes blush to accept as the price of their services, the former a grant of the earldom of Kent, the latter a grant of the three northern counties.[3] These were powerful auxiliaries; but still greater reliance was placed on the promises of many barons in the heart of Henry's dominions, who, to emancipate themselves from the yoke of a vigilant monarch, were eager to transfer the crown to the brows of a thoughtless and indigent youth. The knowledge of this circumstance admonished the king to collect assistance from every quarter. By liberal donatives he allured to his standard a body of twenty thousand adventurers, the aggregate refuse of all the nations of Europe, who, under the common appellation of Brabanders, were accustomed to sell their services to the highest bidder; and at the same time, that he might secure the aid of the

[1] In 1185 Henry compelled his son Richard to deliver to his mother Eleanor the earldom of Poitou (Hoved. 352). But in the spring of the next year he brought her back to England, where she was confined till the king's death.—Bened. Abb. ii. 545, 549. Gerv. 1547. Dicet. 646.

[2] Bles. Ep. 153, 154.

[3] Hoved. 305. Gervase, 1424. Ben. Pet. 55, 6.

church, he solicited Alexander, in the most earnest manner, to shield with the papal authority the kingdom of England, "the fief of the Holy see, and patrimony of St. Peter," from the unnatural attempts of his deluded children.[1]

In the month of June the confederates commenced their operations on the frontiers of Picardy, of the Vexin, and of Bretagne. Philip entered Normandy; Albemarle and Neuchatel surrendered at the first summons; but his progress was arrested by the loss of his brother and heir at the siege of Driencourt; and he retired into his own territory, cursing the infatuation which had led him to engage in so impious a contest. Louis with his son-in-law invested Verneuil. It was an important place, consisting of three burghs, and protected by an almost impregnable castle. By fraud or stratagem they obtained possession of the most considerable of these divisions; but at the arrival of Henry, set it on fire, and fled with precipitation. Their departure allowed him to despatch a body of mercenaries against the earl of Chester, and the baron of Fougeres, who had penetrated by the southern frontier. They fled to the castle of Dol; famine compelled them to surrender; and more than a hundred knights, the flower of the Breton chivalry, were made prisoners. With an air of superiority, the king assented to the proposal of a conference near Gisors; but the offers of Henry to his sons were refused by the advice of Louis, and the passions of the parties excited by the turbulence of the earl of Leicester, who, having obtained the royal permission to leave England, had perfidiously joined the confederates. When Henry upbraided him with his treason, he laid his hand on his sword, and threatened the life of his sovereign. To punish the rebel, Richard de Lucy, the justiciary, had already taken and dismantled the town of Leicester; but finding himself unable to reduce the castle, he united his troops with those of Humphrey de Bohun, the lord constable, and to revenge a sanguinary incursion of the Scots, marched to the north, burnt the town of Berwick, and pillaged the county of Lothian. During their absence the earl of Leicester landed with a body of Flemings, and was joyfully received by Bigod, earl of Norfolk. He took the castle of Hageneth, and attempted by a rapid march to join his faithful vassals in the castle of Leicester; but on his road at Fornham he unexpectedly fell in with the royal army on its return from the Lothians. The small force of the rebels was trampled underfoot by the multitude of their enemies; the earl himself, his amazonian countess, and several knights, were taken; and De Lucy with the news of his success sent his captives to Henry in Normandy.[2]

The allies, instead of being intimidated by these losses, spent the winter in maturing a new and more formidable plan of co-operation. It was arranged that Louis should burst into Normandy, that the adherents of Richard and Geoffrey should invest the royal castles in Aquitaine and Bretagne, that the king of Scotland should enter England on the north, and that the earl of Flanders with the young king should attempt an invasion on the southern coast. Never was Henry's crown in more imminent danger. The Scots poured into the northern counties a torrent of barbarians, whose ravages were no disgrace to the fame of their forefathers; and, though Carlisle and Prudhoe

[1] Hoved. 305. Bles. Ep. 136. See the preceding note, p. 97.

[2] Gul. Newbrig. ii. 28, 29, 30. Hov. 306, 307. Diceto, 570—574. Gervase, 1426.

defied their efforts, Brough, Appleby, Harbottle, Warkworth, and Liddel, were compelled to surrender. In Yorkshire the rebel standard was unfurled by Roger de Mowbray; in the centre of the kingdom, the royal forces were kept at bay by the earl Ferrers, and by David, earl of Huntingdon, brother to the king of Scots; in the east the castle of Norwich opened its gates to Hugh Bigod and seven hundred knights from Flanders; and what was still more alarming, in the harbour of Gravelines lay a numerous fleet ready to transport with the first favourable wind the young king and a powerful army to the opposite coast. It was evident that nothing but the royal presence could save the kingdom. The bishop elect of Winchester hastened to Normandy, to lay the state of affairs before the monarch, who, convinced by his reasons, sailed in the midst of a storm, and fortunately reached the coast before his son had notice of his departure.[1]

There had been something solemn and mysterious in the deportment of Henry during the passage. His mind was deeply affected by the rebellion of his children, the perfidy of his barons, and the general combination of the neighbouring princes against him. Such things, he had persuaded himself, were not in the ordinary course of nature: they could be no other than the effects of the divine wrath, which he had enkindled by his persecution of Archbishop Becket. The name of that prelate had been in the preceding year enrolled by the pope in the catalogue of the saints; and every part of Europe resounded with the report of miracles wrought at his shrine. Henry, to expiate his offence, secretly determined to make a pilgrimage to the tomb of the martyr. On the morning of the second day he landed at Southampton; and, without waiting to repose himself from his fatigue, began his journey towards Canterbury; rode all night, with no other refreshment than bread and water, and at the dawn of the morning descried at a distance the towers of Christ-church. Instantly dismounting from his horse, he put on the garb of a penitent, and walked barefoot towards the city. As he passed through the gateway, the spectators observed that each footstep was marked with blood. He entered the cathedral, descended into the crypt, and threw himself at the foot of the tomb: while the bishop of London ascended the pulpit, and addressed the spectators. The prelate conjured them to believe the assertions of a prince, who thus solemnly appealed to Heaven in proof of his innocence. Henry had neither ordered nor contrived the death of the primate. His only offence was a passionate expression, which had suggested to the assassins the idea of murder; and for this offence, unintentional as it was, he had now come to do penance, and to implore the forgiveness of the Almighty. At the conclusion of this address the king arose, and proceeded to the chapter-house, where the monks of the convent and a few bishops and abbots had assembled, to the number of eighty. Before them the royal penitent on his knees confessed his offence; and then, resting his forehead against the tomb, received the discipline on his naked shoulders; that is, five lashes with a knotted cord from each bishop, and three from every monk. After this extraordinary humiliation he returned to the crypt, spent the night in prayer, and attended at the mass of the following morning. Then with a cheerful heart he remounted his horse, and rode to London; but the want of nourishment, joined to fatigue

[1] Hoved. 307, 308. Newbrig. ii. 31, 32. Diceto, 574—576.

of mind and body, threw him into a fever, which confined him for a few days to his chamber.[1]

On the fifth night of his illness a messenger arrived at the palace, the bearer of important despatches. It was in vain that the watchman at the gate and the guard at the door of the bed-chamber refused him admission; his importunities overcame their reluctance, and he announced himself to the awakened monarch as the servant of Ranulf de Glanville. To the question, "Is Glanville well?" He replied, "My lord is well, and has now in his custody your enemy, the king of Scots." "Repeat those words," exclaimed Henry in a transport of joy. The messenger repeated them; and was soon followed by other messengers with despatches from the archbishop of York.[2] From them the king learned that the northern barons, to repress the ravages of the Scots, had assembled at Newcastle. On the morning of the 12th of July they rode towards Alnwick, twenty-four miles in five hours, a considerable distance for men and horses encumbered with armour. The country was covered with a thick mist, which, if it favoured their advance, at the same time concealed the position of the enemy. One of the number advised a retreat, when Bernard de Baliol called out, "If all return, I will go forward. Baliol shall never be reproached with cowardice." At that moment the sun dissipated the fog; the castle of Alnwick glittered before them; and on one side was seen the king of Scots loitering in a meadow with about sixty attendants; for the rest of the Scottish army had been sent on that very morning in separate divisions to plunder the country. The heat of the day had caused the king to call for refreshment; he had even taken off his helmet to partake of it, when he saw the English knights burst from the cover of a wood, and advance directly upon him. At first he took them for a party of his own men; but their banners soon convinced him of his mistake. Mounting immediately, he struck his shield with his lance, and exclaiming, "Now let us prove who is the truest knight," rode to meet the assailants. The action lasted but a few minutes. A soldier thrust his lance into the bowels of the king's grey horse, which fell with the rider; and William, unable to extricate his leg from under the dying animal, was compelled to yield himself prisoner to Glanville.[3] The Scottish lords immediately threw down their arms, that they might share the fate of their sovereign; and the victors with a long train of illustrious captives returned the same evening to Newcastle. Henry was eager to communicate the important news to his courtiers; and at the same time exultingly remarked, that this glorious event had occurred on the very morning on which he rose repentant and reconciled from the shrine of St. Thomas.[4]

The king now forgot his indisposition, and hastened to join his army. But every enemy had disappeared. The multitude, which obeyed the king of Scots, melted away at the first news of his captivity; his brother David, both for his own security and the tranquillity of the kingdom, sought by unfrequented roads the borders of Scotland; and the earls of Norfolk and Ferrers, the bishop of Durham,

[1] Newbrig. ii. 35. Diceto, 577. Gervase, 1427. Hoved. 308.

This dialogue is related by Newbrigensis.—Newbrig. ii. 25.

[3] Fantosme, 82. Fantosme was present, and saw the capture of the king—à mes dous oilz le vi.—Ibid.

[4] Newbrig. ii. 36. Gervase, 1427. Hoved. 308. Lord Hailes contradicts the king, and says that one of these events happened on a Thursday, and the other on a Saturday; but his own authorities prove that Henry was right.

and Roger de Mowbray, purchased their pardon with the surrender of their castles. In three weeks peace was universally restored; and the army which had been raised to oppose the English rebels sailed from Portsmouth to relieve the capital of Normandy.[1]

Henry's unexpected appearance in England had disconcerted the plans of his foreign enemies, who now abandoning the idea of invasion by sea, bent all their efforts to the reduction of his continental dominions. Louis, with the French barons, and the young king with the earl of Flanders, united their forces, and an army more numerous than any which Europe had seen since the expeditions of the crusaders, encamped under the walls of Rouen. To wear out the courage and strength of the garrison by incessant assaults, the combined army was divided into three bodies, which at stated hours relieved each other; but the besieged adopted a similar arrangement, and having the command of the bridge over the Seine, and of the country on the left bank of the river, received daily supplies of men and provisions. On the twentieth day of the siege Louis proclaimed an armistice in honour of the martyr St. Lawrence. The citizens, relying on the word of the king, allowed themselves a day of rest and enjoyment. Mirth, dancing, and festivity reigned in the streets and houses; and on the plain beyond the river the young men practised the exercise of tilting, both to amuse themselves and to irritate the enemy. It chanced that in the afternoon some clergymen mounted the tower of the cathedral, and through curiosity directed their eyes to the allied camp. At first all was silent; soon the men-at-arms appeared marching in close order; and everything indicated an immediate and unexpected assault. They rang the alarm bell; the enemy ran to scale, the citizens to defend, the walls; a bloody and obstinate conflict ensued; the besiegers were repulsed with loss; and the failure of the attempt served to emblazon the perfidy of the earl of Flanders, by whom it had been proposed, and the weakness of the king of France, who, in opposition to his own judgment, had given his consent. The next morning every eye was attracted towards the bridge by the glitter of arms, and the sound of martial instruments. It was the English army, marching to the relief of the city, under the conduct of Henry, who, to mark his contempt of the foe, immediately opened the northern gate, which had been built up, and threw over the ditch a broad and level road for the passage of cavalry. The besiegers were now in a manner besieged. A body of Welshmen, accustomed to forests and morasses, stole through the woods to the rear of the camp, and intercepted a considerable convoy of stores and provisions. For two days the allies struggled against the privation of their usual supplies; on the third they burnt their engines, and commenced their retreat. It was, however, in vain that the king attempted to make an impression on their rear, which was protected by the bravery of the earl of Flanders.[2]

Foiled in two successive campaigns by the genius or fortune of Henry, the confederates cheerfully consented to a short armistice, preparatory to a general peace. Richard alone, the king's second son, refused to be included in its provisions. The rebellious youth thought himself a match for the power of his father; but the

[1] Diceto, 577. Hoved. 308.

[2] Newbrig. ii. 36. Hov. 309. Ben. Ab. i. 86. Diceto, 578, 579.

daily surrender of his castles and the increasing defection of his vassals subdued his obstinacy; and after a resistance of a few weeks, he threw himself at the feet of the monarch, and appealed to his paternal affection.[1] Henry received him graciously, and conducted him to the place of conference, where they met his two brothers, with their patrons Louis and Philip. The terms of reconciliation were easily adjusted. The three princes engaged to pay due obedience to their father; the conquests on both sides were restored; the young king received two castles in Normandy with a yearly income of fifteen thousand pounds of Angevin money; Richard two castles in Poitou, with half the revenue of that earldom; Geoffrey two castles in Bretagne, with half the rents of the estates of Earl Conan, and a promise of the remainder in the event of his marrying the daughter of that nobleman. Richard and Geoffrey did homage and swore fealty to their father, who out of respect for the royal dignity, refused to accept these proofs of feudal inferiority from his eldest son. His captives, to the amount of nine hundred and sixty-nine knights, were immediately restored to liberty.[2]

From this general indulgence was excepted a prisoner of high importance, William king of Scots, to whose release Henry refused to consent on any other terms than an acknowledgment that the crown of Scotland was held as a fief of the crown of England. The unfortunate monarch was confined in the strong castle of Falaise; but that he might have the aid of his council, a deputation of Scottish prelates and barons was permitted to assemble and deliberate in the small town of Valognes. By their advice, and with their consent, William submitted to kneel to Henry, "to become his liege man against all men for Scotland, and for all his other lands, and to swear fealty to him as liege lord, in the same manner as his other men were accustomed to swear; and to do homage to King Henry the son, saving the faith which he owed to King Henry the father." It was moreover stipulated that, on the requisition of the king of England, the Scottish clergy and nobility should also do homage, take an oath of allegiance, and swear that if William ever broke his engagements, they would stand with Henry as their liege lord against the king of Scotland, and all other enemies; that as securities, the five castles of Roxburgh, Berwick, Jedburgh, Edinburgh, and Stirling, should be intrusted to English garrisons; and that in the interval William's brother and twenty barons should remain hostages in the custody of Henry, to be exchanged for others, their nearest relatives, as soon as the delivery of the fortresses should be completed. The Scottish king was immediately set at liberty; and the next year the treaty was solemnly ratified at York in the presence of the estates of both kingdoms.[3]

The young Henry had carefully remarked the difference between the

[1] Hoved. 309.

[2] Rymer, i. 37. Hoved. 309. Diceto, 582, 583.

[3] Rym. i. 39, 40. Bened. Abb. 113—8. This was not the first time that William had done homage. At the coronation of the young Henry he had been compelled to do homage and swear fealty to him against all men, saving his father: and afterwards, on the summons of Henry, he attended with a deputation of Scottish prelates and lords, and carried into execution the judgment of the king's court, in the case of Roland, the son of Uchtred.—Bened. Abb. 447. According to the treaty of Valognes, the Scottish church was to pay due obedience to that of England; but when this was demanded by the archbishop of York, it was answered that none was due; and the answer, after a long controversy, was confirmed by Pope Clement III. in 1188.—Hoved. 371.

behaviour of his father to him and to his two brothers. *His* homage had been refused, while *theirs* was accepted; and this circumstance, as it taught him to mistrust the sincerity of the reconciliation, agitated his mind with the most alarming suspicions. When the king prepared to return to England, *he* resolved to remain in Normandy; and to a peremptory order to accompany his father, he returned as peremptory a refusal. Another war would have been the result, had he not, at the earnest solicitation of his friends, visited Henry at Bure, near Caen, and on his knees conjured his father to accept of his homage. The request was granted; and the prince, who mistrusted the natural affection of a parent for his child, reposed without fear on the artificial tie with which custom bound the lord to his vassal. The two kings sailed to England together; and for several weeks, to convince the nation of their mutual confidence, ate daily at the same table, and slept every night in the same bed.[1]

Triumphant over his enemies, and at peace with his children, Henry was at last permitted to enjoy a few years of repose. He did not, however, waste his time in idleness, but devoted his attention to two very important objects, the investigation of the conduct of his officers, and the reform of the internal polity of his dominions. That the reader may appreciate his views, and trace their influence on our present institutions, it will be necessary to describe the manner in which justice had been hitherto administered, and to point out the alterations which were introduced partly by the wisdom, and partly by the avarice of the king.

I. The reader has seen that the Norman conquest, though it might modify, did not abolish the judicial polity of the Anglo-Saxons. Its leading features were distinctly retained; and the courts of the manor, the hundred, and the county, still continued to exercise their ancient powers. Of these tribunals, some were invested with criminal jurisdiction; all were competent to decide the civil controversies of the individuals who owed them suit and service, and who, in reality, formed the great mass of the population. Their authority, however, as it was supposed to be in the first instance derived from the crown, was occasionally limited or invaded by the royal prerogative. The king, on the payment of a discretionary fine, was accustomed to withdraw any particular cause from the cognizance of these to that of his own courts; he received and heard the appeals of persons who deemed themselves aggrieved by their decisions: he occasionally instituted inquiries into the manner in which they administered justice; and in cases of delinquency imposed heavy amercements on the judges themselves, or on the lords in whose courts they presided.[2] Of such inquiries Henry himself has furnished us with a remarkable, and, in the result, a ludicrous instance. In the year 1170, after a long absence on the continent, he returned to England, held a great council, and issued commissions to several abbots and knights, to visit the different counties, and investigate the conduct of all the inferior magistrates for the last four years,—what sums of money had come into their hands, and from what sources such moneys were derived; what fines they had received from culprits, what offenders they had suffered to escape unpunished, and in what manner they had disposed of the chattels of felons. The commissioners were authorized

[1] Diceto, 585, 586. Ben. Abb. ad an. 1175.

[2] See Glanville, viii. 9. Hale, Hist. of Common Law, c. vii., and Madox, c. xiv. and the Great Roll of the Pipe, passim.

to call witnesses, and examine them upon oath, and to require security from the accused that they would appear before the king on a certain day, and submit to his judgment. On the fourteenth of June all the prelates, earls, barons, sheriffs, and lords of courts, with their judges, bailiffs, and officers, were in attendance. The sheriffs and others, holding situations under the crown, were first displaced, and then, on the payment of fines, restored to their offices; the rest after a short suspense, were relieved from their anxiety; and as soon as they had consented to the coronation of the young Henry, and sworn fealty to him, were dismissed to their homes without charge or molestation.[1]

II. The highest tribunal in the kingdom was called "the king's court;" the assessors of which were the prelates, earls, barons, and principal officers of his household. Here the tenants in chief of the crown were tried by their peers. The monarch himself presided, unless he were a party, in which case he appointed a president, and frequently assumed the office of prosecutor. It was, occasionally at least, a most iniquitous tribunal, the instrument of legal oppression in the hands of a vindictive sovereign. The numerous obligations and intricate polity of the feudal system furnished at all times a supply of charges against an obnoxious baron or prelate: and it was very seldom that any peer dared to incur the royal displeasure by standing up in the defence of innocence. The victim was generally condemned in the forfeiture of his goods and chattels. As he was then "at the king's mercy," the efforts of his friends were employed to obtain from the monarch a diminution of the fine, which he was expected to accept as a compromise. Still, as we have seen in the prosecution of archbishop Anselm under William Rufus, and that of archbishop Becket in the present reign, it remained in the power of the king to multiply his charges, and thus, by adding fine to fine, eventually to crush the object of his resentment.

It was, however, at certain periods only that the "king's court" could be held in its full splendour, attended by all its suitors. At other times its judges consisted of the chief justiciary, the chancellor, and the treasurer, ministers whose continuance in office depended on the royal will; of the constable, chamberlain, mareschal, and steward, who held their respective dignities by hereditary right;[2] and of certain among the royal chaplains and clerks learned in the law, who were appointed by the monarch, and styled his justices. This tribunal possessed all those different powers which have since been distributed among the three courts of the King's Bench, the Common Pleas, and the Exchequer; but at what period this distribution ac-

[1] Gervase, 1410—1412. Hoved. 296.

[2] 1. The chief justiciary was the first officer in the kingdom. He presided in the council, was regent in the king's absence, and united in himself all the powers attendant on the functions of chief judge. 2. The office of chancellor has been already noticed. 3. The treasurer attested the writs issued for levying the revenue, and supervised the receipts and issues of the Exchequer.—Madox, i, 2.

The constable and mareschal had military commands, arranged the army, and inquired whether each military tenant had furnished the requisite number of men (Rym. ii. 783); besides which, the constable took cognizance of contracts of feats of arms out of the realm (Stat. 13 Rich. II.), witnessed the same papers as the treasurer, examined at the Exchequer the accounts of the hired troops, and received as his fee twopence in the pound out of their pay (Dial. de Scac. i. 10. Rym. ii. 161). The mareschal watched over the security of the king's person in the palace, distributed lodgings to his followers, preserved peace in the royal household, and gave certificates to the barons that they had performed their contracts for military service. (Ibid.) The chamberlain and steward performed almost the same offices as belong to the lord chamberlain at present.

tually took place it is now difficult to ascertain. The court of Exchequer is certainly the most ancient, and was originally of the highest importance. It examined the accounts of the sheriffs, and of all the king's officers, regulated the royal revenue, tried the pleas of the crown, and imposed fines on the tenants in chief for neglect of service, and the non-payment of aids, scutages, and amercements. It was at first fixed at Winchester, but for convenience was often removed to London to be nearer to the king's person.[1] The necessity, however, of detecting and punishing the frauds committed against the revenue at a distance from the court suggested the idea of "barons errant," or "itinerant justices." They had been occasionally employed in former reigns;[2] in the present they acquired a more permanent establishment. In his twenty-second year the king assembled a great council at Northampton, and divided the kingdom into six districts, to each of which he assigned three perambulatory judges. These districts nearly coincide with the circuits of the present day;[3] and it is chiefly to the wisdom of Henry that we owe an institution, the benefits of which are annually experienced by the country. Yet if we were to attribute it to a love of justice alone, we should allot to him a higher praise than he really deserves. It is evident from the instructions delivered to the judges that his first and principal object was his own emolument. They were authorized and directed to look after the king's interest to the best of their power,[4]—to hold pleas of the crown, provided the value did not exceed half a knight's fee—to try malefactors of all descriptions—to receive the oath of fealty to the king from all earls, barons, knights, freemen, and villeins; to inquire what wards were or ought to be in the guardianship of the king, their sex and quality, the present possessors, and the value of their estates—what females were or ought to be at the disposal of the crown, whether they were married or not, and if married, to whom, by whose permission, and what was the rental of their property[5]—what churches were in the gift of the crown, their situation and annual value, who were the incumbents, and by whom they were presented—what lands had lapsed to the crown, who held them, what was their value, what their tenure—what encroachments had been made on the royal forests or demesnes—who had violated the statutes respecting weights and measures—what sheriffs and bailiffs had received fines of defaulters—what was become of the chattels of Christian, or of the chattels, pledges, debts, and deeds of Jewish usurers after their death[6]—and lastly, to inquire into the state of the coin-

[1] The order of precedency in the Exchequer was, 1. the chief justiciary, 2. the chancellor, 3. the constable, 4. the chamberlain, 5. the mareschal.—Dial. de Scac. i. 8. These were the magni, quibus inconsultis, nil magnum fieri debebat.—Rym. ii. 161.

[2] In the 18th of Hen. I. and 12th, 13th, 15th, and 17th of Henry II.—See Madox, 98—102.

[3] The chief difference lies in the Home circuit, which formerly comprised Kent, Surrey, Sussex, Hampshire, Berkshire, and Oxfordshire, but has now lost the three latter, and received in their place Hertford and Essex, originally belonging to the Norfolk circuit.—Hoved. 313. Bened. Abb. i. 236. Diceto, 588.

[4] Intendant pro posse suo ad commodum regis faciendum.—Hoved. 314.

[5] Sometimes the king extorted fines for marriage from the parents of both parties. Thus Adam Fitz-Norman paid 18*l.* 6*s.* 8*d.* that his daughter might marry the son of William Lecley; and William Lecley paid 22*l.* 8*s.* that his son might marry the daughter of Adam Fitz-Norman.—Rolls of 31st Henry II. Rot. 5, *a*.

[6] A living usurer might repent, and therefore did not forfeit his property; but the goods and chattels of the dead were forfeited to the king; his lands to his lord.—Glanville, vii. 16. But the severity of this law was afterwards relaxed in favour of the Jews. John in his charter, anno 2, says: et cum Judæus obierit, non detineatur

age, the clipping of the coin, the exchange, burglaries, outlawries, the removal of markets without licence, the introduction of new customs, and taking of bribes to exempt tenants from provisioning the royal castles.[1] I have mentioned all these different articles, because there is hardly one which had not for its object to draw money into the exchequer.

Besides these courts there were others which had been established for the trial and punishment of one particular species of offence, and which at all times were objects of general execration. The reader must have observed that the chase formed the principal amusement of our Norman kings, who for that purpose retained in their possession forests in every part of the kingdom, and seemed to watch with greater solicitude over the preservation of their deer, than over the lives of their subjects. The royal forests had their own officers and magistrates; they were governed by a peculiar code of laws; and their immunities were jealously maintained in the court of the chief forester, a bloody tribunal, in which the slightest offence was punished with the loss of eyes or members. Henry at his accession, whether it were through humanity or avarice, had abolished the barbarous enactments of his predecessors, and substituted the penalties of fine and imprisonment. On one occasion his ingenuity contrived to draw considerable profit from this improvement. During the civil war between him and his sons, the royal authority in England had been despised; first the insurgents, and afterwards the royalists, hunted in the king's forests with impunity; and the justiciary thought it more prudent to connive at the destruction of the deer, than to alienate by untimely severity the best friends of his master. It was even said that Henry had by a general order thrown open the forests to all who should take up arms in his favour. As soon, however, as peace was restored, he appointed itinerant justices to inquire into all offences against the laws of the forest. Before them were summoned both laity and clergy, men of the highest as well as the lowest rank, and were compelled upon oath to discover every delinquent whose name had come to their knowledge, whether they had been eye-witnesses of the offence, or had only learned it by hearsay from others. Prosecutions were immediately commenced; multitudes convicted; and the royal coffers replenished by these violent and ungracious proceedings.[2]

Occasionally, to hold pleas of the forest, the chief justice made his circuit attended by his assessors. But on the death of Thomas Fitz-Bernard, the master forester, Henry took occasion to abolish that office, and in place of the milder punishments, which had been introduced by himself, revived the sanguinary inflictions of former reigns. At the same time he divided the royal forest into several districts, in each of which he appointed two clergymen and two knights as judges, and two gentlemen of the household, with the titles of keepers and verderers. These officers were bound upon oath not to accept of fines from delinquents, but to inflict bodily punishment without any mitigation; to prevent the proprietors of timber within the forest from cutting it down to waste; and to allow no inhabitant

corpus suum super terra, sed habeat hæres suus pecuniam suam et debita sua.—Madox, 174, note.

[1] Compare Hoveden, 314, with Bracton de Leg. Ang. iii. tr. ii. c. 1.

[2] Hoved. 311. Bened. Abbas, i. 112. Diceto, 587. These fines were occasionally very high. In Henry's twelfth year the bishop of Salisbury paid 75*l.* 7*s.*, and in his twenty-second, Adam de Brus paid 100*l.* for having taken a roe-buck.—Vid. Exchequer Rolls, apud Madox, c. xiv.

to keep bows, dogs, or greyhounds, without a royal warrant.[1] Hence, if the reader consider the number and extent of the forests, and the many hamlets and lordships comprised within their precincts, he may form an estimate of the vexatious prosecutions, and barbarous mutilations, of which the forest laws were productive. But the despot sought only his own amusement; he despised the murmurs and sufferings of his people.[2]

Neither was it only from pleas of the crown or of the forest that the king derived profit; even common pleas between subject and subject brought a plentiful harvest to the exchequer. Whether an action was commenced or discontinued, hastened or retarded, terminated or carried before a higher tribunal, the monarch at each step required a present or fine from one or both of the parties. Before the pleadings began, it was always necessary to pay a sum of money to the treasurer, and frequently to enter into a bond to double the amount in the event of a favourable judgment. In actions for debt the plaintiff was compelled to promise a portion of such sum or sums as he might chance to recover; and this portion was fixed by a preliminary negotiation, often at one-half, seldom at less than one-fifth of the whole demand. It was universally understood that money possessed greater influence than justice in the royal courts; and instances are on record, in which one party has made the king a present to accelerate, and the other, by a more valuable offer, has succeeded in retarding the decision. If the defendant was opulent, he could easily defeat the just claim of an indigent plaintiff, unless the latter obtained the aid of powerful friends. By paying a large fine, the rich man might purchase a writ forbidding him to answer at all; or he might obtain a charter exempting him from the jurisdiction of all other magistrates, and permitting him to plead before no one but the king in person.[3] Then came adjournment after adjournment; for the king was often occupied with more important business, or called away to the care of his transmarine dominions; and thus the suit might be protracted from year to year, not only to the disappointment, but to the ruin of the less opulent party, who had often to attend, perhaps a score times, with his counsel and witnesses, before judgment was pronounced.[4] That such practices were incompatible with the equal administration of justice, is most evident; yet the writers of the age do nŏt mention them in terms of reprobation. They had prevailed to a certain extent under the Anglo-Saxon princes; and men seem to have been reconciled to the iniquity of the thing, on account of its antiquity. But besides the fines paid to the sovereign, the judges often exacted presents for themselves, and loud complaints existed against their venality and injustice. Henry, who did not admire in others that love of money which he cherished in his own breast, laboured to remedy this abuse. All the itinerant judges, within three years after their appointment, were removed, with the sole exception of Ranulf de Glanville, who, at the head of five others, was now commissioned to administer justice in the counties north of the Trent. The rest of the kingdom was divided into three por-

[1] Bened. Abb. ii. 417.

[2] Pet. Bles. Ep. 95.

[3] Fines of all these different descriptions are to be found annually in the rolls of the Exchequer.—Apud Madox, passim. When a fine amounted to 500 marks, an additional mark of gold was due to the queen.—Dial. de Scac. ii. 26.

[4] See an amusing account of the attendance and expenses of Richard de Anesty in 1156, published by Sir Francis Palgrave, ii. lxxxiv.

tions; the powers formerly possessed by the chief justiciary were conferred on the bishops of Winchester, Norwich, and Ely; and one of these, with four assessors, was appointed to hold pleas in each of the three districts.[1] The king's motive for the selection of these prelates was the reliance which he placed on their integrity and honour; but as soon as the pontiff heard of their appointment, he wrote to Richard, archbishop of Canterbury, observing that it was the duty of pastors to feed their flock with the doctrine of the gospel, not to act the part of secular magistrates, and commanding him to recall the bishops from the courts in which they presided, to the care of the dioceses for which they had been ordained. The primate in his answer did not deny the prohibition of the canons; but he endeavoured to justify the innovation from its great utility both to the church and to the people.[2] It would seem, however, that the objections of Alexander prevailed. In August the three prelates, having made to the king a report of their proceedings, resigned their offices; and the appointment of chief justiciary was given to Ranulf de Glanville. That celebrated lawyer, in the preface to his work, assures us that there was not now in the king's court a judge who dared to swerve from the path of justice, or to pronounce an opinion inconsistent with truth; and yet, if we believe the story, told by a contemporary, of Gilbert de Plumpton, we may doubt whether the character of Glanville himself was perfectly immaculate. Plumpton, a knight of noble descent, had married a lady, whom with her fortune the justiciary had previously promised to Rainer, his sheriff of Yorkshire. To effect his purpose it now became necessary to dispose of her husband; the unfortunate man was suddenly apprehended on a charge of felony; and the king, at the representation of Glanville, condemned him to suffer death. His innocence, however, was so manifest, that the bishop of Worcester accompanied him to the gallows, and ventured to forbid the execution. His life was spared till Henry could be consulted. The result was, that Plumpton was remanded to prison, where he remained till the accession of the next sovereign.[3]

III. The ancient custom of appealing in criminal cases to the judgment of God was still retained; but to the ordeals of fire and water employed by the Saxons, the Normans, as was observed in the reign of William I., had superadded the trial by wager of battle. Wherever the itinerant judges had pleas, they summoned four knights of the hundred to appear before them, and to choose twelve other knights, or, in the absence of such, twelve other free and lawful men, to form a sufficient jury. The duty of the jury may be collected from their oath. They were sworn to answer truly to all questions which should be put to them from the bench, and to perform faithfully every command which they should receive from the judges in the king's name.[4] They were then ordered to present at the bar all persons within the hundred being under suspicion of having committed murders, felonies, forgeries, or breaches of the king's peace. On their unanimous presentment, the accused was arraigned before the judges, and, if he pleaded not guilty, and had not been taken in the fact, or with the thing stolen in his possession, was sent by them to the ordeal by water. In case of conviction by this trial, sentence was immediately pronounced, and the prisoner was condemned, according to

[1] Diceto, 606. Hoved. 337.
[2] Pet. Bles. Ep. 84.
[3] Hoved. 355.
[4] Bracton, iii. c. 1. Glanville, ii. 10, 11.

the nature of his offence, to suffer either death, or the confiscation of his property, with the amputation of a foot and a hand, and banishment for life.[1] I shall relate one instance of conviction by the water ordeal, as it will also show the disturbed state of the metropolis at this period. It had long been customary for the young men, the sons and relatives of the more wealthy citizens, to assemble in great numbers after sunset, to scour the streets in quest of adventures, and to divert themselves by exciting the terrors of the peaceable inhabitants. By degrees they proceeded to acts of violence, occasionally of robbery and murder. In the year one thousand one hundred and seventy-four, a numerous band of these youthful depredators burst into the house of a citizen, who had armed his family to receive them. The assailants were put to flight; but their leader, Andrew Buquinte, who had lost a hand in the fray, remained a captive. In the hope of pardon this man impeached his accomplices, among whom was John Senex, one of the most opulent and "noble" citizens. It was in vain that Senex denied the charge, and appealed to the judgment of God; he was convicted by the water ordeal, and condemned by the chief justiciary to be hanged. He had, however, sufficient influence to suspend the execution of the sentence till the arrival of the king, and then to an indefinite period. Unfortunately for him, about three years later, the brother of the Earl Ferrers was slain in a similar fray; and the king, unable to discover the murderers, issued his warrant for the immediate execution of Senex. Though five hundred marks were offered for his life, they were refused; and his fate, an awful warning to his former associates, restored the peace of the city.[2]

It would be a mistake to suppose that acquittal by the ordeal fully established the innocence of the accused. His life, and limbs, and personal property, were indeed secure; but it was still true that he had been presented as guilty by the unanimous voice of the jury, and it was deemed wise to take precautions against him, as at best a suspicious character. If the offence with which he had been charged were only a misdemeanour, he was enlarged on finding sureties for his future conduct; but if it were of a more serious nature, he was compelled to leave the kingdom. He might, however, take with him his personal property, and hope from the royal indulgence the permission to return at some distant period.[3]

Such appear to have been the proceedings on presentment by jury; but it frequently happened that the prisoner was brought to his trial, charged only by the voice of public fame, or at the prosecution of a private individual.[4] If the charge rested on common report, the judges, by inquest and interrogations, endeavoured to ascertain its truth. If a prosecutor appeared, before he could put in his charge, it was necessary, in cases of murder, that he should prove himself to be of the blood of the deceased; in cases of homicide, that he was allied to the slain as a relation, or vassal, or lord, and could speak of the death on the testimony of his own senses. The accused might then plead not guilty, and, at his option, throw down his glove, and declare his

[1] Bened. Abb. i. 136. Hoved. 313. There is no mention of compurgation in the assize, which omission was equivalent to an abolition of the custom in trials before the judges; but it was retained in some of the borough courts. Sir Francis Palgrave has given an instance of it at Winchelsea as late as the 19th of Henry VI. (vol. ii. p. cxvii.).

[2] Bened. Abb. 196, 197. Hoved. 323.

[3] Bened. Abb. 136. Hoved. 313.

[4] Murder now meant the violent but secret death of a freeman; when the death took place before witnesses, it was termed homicide.

readiness to defend his innocence with his body. If the appellant took up the glove, and professed himself willing to prove the charge in the same manner, the judges, unless the guilt or innocence of the accused were evident, proceeded to award a trial by battle. The appellee, with the book of the gospels in his right hand, and the right hand of his adversary in his left, took the following oath: "Hear me, thou, whom I hold by the hand. I am not guilty of the felony with which thou hast charged me. So help me God and his saints. And this will I defend with my body against thee, as this court shall award." Then exchanging hands, and taking the book, the appellant swore: "Hear me, thou, whom I hold by the hand. Thou art perjured, because thou art guilty. So help me God and his saints. And this will I prove against thee with my body, as this court shall award." On the day appointed by the court the two combatants were led to battle. Each had his head, arms, and legs bare, was protected by a square target of leather, and employed as a weapon a wooden stave one ell in length, and turned at the end. If the appellee was unwilling to fight, or in the course of the day was unable to continue the combat, he was immediately hanged, or condemned to forfeit his property, and lose his members. If he slew the appellant, or forced him to call out "craven," or protracted the fight till the appearance of the stars in the evening, he was acquitted. Nor did his recreant adversary escape punishment. If he survived the combat, he was fined sixty shillings, was declared infamous, and stripped of all the privileges of a freeman.[1]

In the court of chivalry the proceedings were different. When the cause could not be decided on the evidence of witnesses or the authority of documents, the constable and mareschal required pledges from the two parties, and appointed the time of battle, the place, and the weapons, a long sword, a short sword, and a dagger; but allowed the combatants to provide themselves with defensive armour according to their own choice. A spot of dry and even ground, sixty paces in length, and forty in breadth, was enclosed with stakes seven feet high, around which were placed the serjeants at arms, with other officers, to keep silence and order among the spectators. The combatants entered at opposite gates, the appellant at the east, the defendant at the west end of the lists; and each severally swore that his former allegations and answers were true; that he had no weapons but those allotted by the court; that he wore no charms about him; and that he placed his whole confidence in God, in the goodness of his cause, and in his own prowess. Then taking each other by the hand, the appellant swore that he would do his best to slay his adversary, or compel him to acknowledge his guilt; the defendant, that he would exert all his powers to prove his own innocence. When they had been separately conducted to the gates at which they entered, the constable, sitting at the foot of the throne, exclaimed thrice, "Let them go," adding to the third exclamation, "and do their duty." The battle immediately began; if the king interposed, and took the quarrel into his own hands, the combatants were separated by the officers with their wands, and then led by the constable and mareschal to one of the gates, through which they were care-

[1] Glanville, xiv. 1. Bract. iii. 18. Spelm. Arch. 103. If the appellee was sixty years of age, or had been wounded in the head, or had had a limb broken, he was at liberty, if he preferred it, to go to the ordeal, of hot water if he was a freeman, of water if he was a villein.—Glan. xiv. 1.

ful to pass at the same moment, as it was deemed a disgrace to be the first to leave the place of combat. If either party was killed or cried "craven," he was stripped of his armour on the spot where he lay, was dragged by horses out of the lists through a passage opened in one of the angles, and was immediately hanged or beheaded in the presence of the mareschal.[1]

Trial by battle was not only awarded in criminal prosecutions, but also in cases where issue was joined on a writ of right, or where the tenant denied that he owed the services claimed by his lord, or the seller that he had warranted the article bought, or the debtor that he had borrowed money on promise, security, or mortgage. In all such actions it was at the option of the defendant to fight in person, or to produce a lawful champion: the demandant was excluded from the lists, and compelled to intrust the defence of his claim to the prowess of a freeman who would swear of his own knowledge to the right of his principal.[2] But here the king made a most important, and beneficial improvement, by allowing trial by grand assize to supersede the doubtful trial by battle. The defendant might solicit a writ to stop the process by duel; on which the demandant, if he meant to prosecute his claim, was compelled to obtain a writ to proceed by grand assize. The sheriff in consequence empannelled a jury, after the manner which has been already described. They were sworn to judge of the matter in dispute from their own knowledge, or the report of persons whose testimony they would believe no less than that of their own senses; and a unanimous verdict was obtained by discharging those who pleaded ignorance of the subject, and by substituting others better informed in their place. The superior equity of this mode of decision was universally admitted; and its adoption gradually prepared the way for the introduction of similar innovations in the other departments of public justice.[3]

Henry never exercised his judicial duties with greater splendour, than in the important cause between Alphonso, king of Castile, and his uncle, Sancho, king of Navarre. After a long and ruinous contest, these princes agreed to refer their dispute to the equity of the king of England, and bound themselves under a severe penalty to submit to his decision. Henry held his court at Westminster, attended by the English and Norman prelates, earls, barons, and justices. The bishop of Palentia appeared on the part of Alphonso, the bishop of Pampeluna on that of Sancho. But as the judges were ignorant of the language of the advocates, the pleadings were committed to writing, and translated by the aid of interpreters; and after three days, the king, having previously taken the opinion of the court, solemnly pronounced his award; that each prince should restore the lands and castles claimed by the other, and that Alphonso should pay to his uncle in the next ten years thirty thousand maravedies, by equal instalments. The ambassadors accepted the judgment, and swore that if their respective sovereigns refused to execute it, they would return and surrender themselves prisoners into the hands of the king.[4]

I shall here mention, on account of

[1] See a treatise on this subject by Thomas of Woodstock, duke of Gloucester, preserved by Spelman, Archæol. 100.

[2] Glanville, ii. 3. The champion was named in open court. It was a sufficient cause of exception against him, to prove that he had been hired for a reward.

[3] Glanville, ii. 7, 8, 9, 11, 17. He calls it regale beneficium clementia principis de consilio procerum populis indultum (ii 17).

[4] Rymer, i. 45—50. Hoved. 320, 322. Hiber Expug. ii. 30.

its connection with the administration of justice, an occurrence which happened at a more early period. In 1166, a colony of foreigners, to the amount of thirty of both sexes, landed in England, under the guidance of a teacher named Gerard. They belonged to a numerous sect of fanatics who infested the north of Italy and the neighbouring provinces of Gaul and Germany, and who were called Cathari, or "the pure," because they taught that the use of marriage was incompatible with salvation. They had come to disseminate their doctrine in England; but their success was confined to the acquisition of one female proselyte. The case was without precedent; and the king, after much deliberation, ordered them to be apprehended, and arraigned before a synod of bishops, at which he assisted in person. To the questions put to them, they replied that they were Christians, that they professed the doctrine of the apostles, and believed the divinity of Christ; but at the same time they rejected baptism, the eucharist, and marriage. When arguments were employed to convince them, they merely replied, that it was their duty to believe, not to dispute; and to the threat of punishment, they opposed the words of the gospel; "Blessed are they which are persecuted for righteousness' sake." Wearied out by their obstinacy, the synod pronounced them heretics, and transferred them to the secular power. The English woman, who does not seem to have been ambitious of the crown of martyrdom, eagerly recanted; the foreigners, by order of the king, were branded in the forehead, stripped to the waist, and whipped out of the city. One writer informs us that they all perished in the fields, in consequence of a proclamation forbidding any one to hold intercourse with them; but the dean of St. Paul's, who probably attended the synod, and two other contemporaries, assert that after suffering their punishment they were conducted out of the realm.[1]

The eyes of all the European nations were directed at this period to the disastrous condition of the Christians in Palestine. The throne of Jerusalem, which the Crusaders had raised and supported at the expense of so much blood and treasure, was tottering on its basis; and the king, Baldwin IV., a minor and a leper, was no match for the talents and power of Saladin, who by successive conquests annually contracted the limits of the strangers, and threatened to eradicate them in a few years from the soil of Asia. Henry, in the presence of the papal legates, had solemnly sworn to visit the Holy Land. Whether he intended to perform this vow, is uncertain; but the danger of exposing his dominions to the inroads of a powerful neighbour furnished him with a decent plea for deferring its execution. Louis, however, made the proposal to accompany him in the expedition. The objection could be no longer urged; a day was fixed for their departure; and the two princes swore, Henry, that he would assist his lord the king of France, Louis, that he would assist his faithful vassal the king of England, against all men. This plan was defeated by the subsequent illness and death of Louis; and Henry, though he affected to be constantly occupied with the project, allowed year after year to pass, without finding an opportunity of putting it in execution. At last his sincerity was probed

[1] Newbrig. ii. 13. Expulsos a regno.—Diceto, 539. In frontibus sunt signati et effugati.—Rad. Coggesh. cit. Picard in not. ad Newbrig. p. 721. These fanatics under different names spread themselves through Gaul. Ubique exquirebantur et perimebantur, maxime a Philippo comite Flandrensium, qui justa crudelitate eos immisericorditer puniebat.—Ibid. The usual punishment was burning; but Henry forbade it in his continental dominions.—Hov. 352.

by the arrival of the patriarch of Jerusalem, and the grand master of the Knights Hospitallers, with letters from Queen Sybilla, and the earl of Tripoli, the regent. They cast themselves at the feet of the king, solicited his powerful aid, and delivered to him, as the representative of Fulk of Anjou, whose descendants had swayed the sceptre for the last fifty years, the royal banner, with the keys of the city, of the principal forts, and of the holy sepulchre. Henry returned them with expressions of pity, but requested the ambassadors to wait till he had received the advice of his council. He summoned the prelates and barons of England, the king, prelates, and barons of Scotland, to meet him at Westminster; and, after engaging to abide by their counsel, artfully put to them the following question: was it better for him to remain at home, and govern the nations which providence had intrusted to his care, or to proceed to the East, to defend the Christians of Palestine against their infidel neighbours? The answer was what he had undoubtedly anticipated; and, to the disappointment of the envoys, the king, in lieu of his personal services, promised a subsidy of fifty thousand marks.[1]

But on the twenty-ninth of September, 1187, ninety-six years after its reduction by the first Crusaders, Jerusalem was again surrendered into the hands of the Mussulmen. The news of this mournful event plunged the Christian world into the deepest consternation. The aged pontiff died of a broken heart: William king of Sicily wore sackcloth for four days, and vowed to take the cross; the other princes condemned their insolence, and the avarice which had prompted them to prefer their own petty interest before that which they deemed the common cause of the Christian religion.[2] Henry met Philip, the new king of France, in a plain between Gisors and Trie, where the archbishop of Tyre (a port which still bade defiance to the power of Saladin) exhorted them to rescue the holy city from the pollution of the infidels; and the two kings, the earls of Flanders and Champagne, and a great number of barons and knights, received the cross. Thence the king hastened to England, and held a great council at Geddington, in Northamptonshire, in which it was enacted, that every man, who did not join the crusade, should pay towards the expense of the expedition one-tenth of his goods, chattels, and rents for that year. The lords of manors, who intended to accompany the king, were permitted to receive for their own use the assessments of their vassals; those of all others were to be paid into the exchequer. The sum obtained by Henry was seventy thousand pounds; to which must be added, sixty thousand more, extorted from the Jews, at the rate of one-fourth of their personal property.[3] At the same time, he wrote to the emperors of Germany and Constantinople, and to Bela, king of Hungary, announcing his design, and requesting a safe passage through their dominions, with the liberty of a free market. From all he received favourable answers; and there can be little doubt that he would have undertaken the expedition, had he not been involved in hostilities with the king of France, by the turbulence of his son Richard, and had not his pacification

[1] Rym. i. 50. Ben. Abb. ii. 429. Hoved. 325, 358. Diceto, 626.

[2] But it was not merely religious feeling which animated the Crusaders. Many were alarmed for their own safety. Jam, says Peter of Blois, circa confinia terræ nostræ barbaries efferata desævit, et in exterminium Christiani nominis gentium grassatur immanitas.—Bles. ep. 112.

[3] Gervase, 1522, 1529. Hoved. 366.

with that monarch been quickly followed by his death.

The reader will not have forgotten the rebellion and pardon of Henry's sons. These princes excelled in every martial exercise of the age. The elder, laying aside the state and title of king, had spent three years on the continent as a private adventurer, displaying his prowess in every tournament, and frequently carrying off the prize of his valour;[1] his example was eagerly imitated by his brothers Richard and Geoffrey; and the father listened with pride to the reports of the victories won, and of the admiration excited, by his children. Modern writers have described the profession of chivalry as the school of honour and probity; unfortunately history has preserved few traits of these virtues in the characters of the ancient knights. The king's sons were indeed brave, bountiful, and accomplished; but their bravery was often stained with cruelty; their bounty was fed by violence; and their accomplishments served only to display in clearer colours their perfidy and ingratitude. When Henry commanded Richard to do homage to his elder brother for the duchy of Aquitaine, the high-spirited prince refused. He had done homage, he said, to his father, from whom he received it, and to the king of France, who was its sovereign lord; but to his brother he did not owe, and therefore would not promise either service or fealty. The affront sank deep into the mind of the young king, who sought, and soon found, an opportunity of revenge. Richard ruled his subjects with a sceptre of iron. His exactions were incessant; the slightest disobedience was instantly visited with severe punishment; and no female, unless within the walls of a castle, was safe from the insults of the prince or of the lawless banditti who executed his orders. His barons rebelled; and at their invitation the young Henry, with his brother Geoffrey, and an army of Brabanders and Bretons, invaded the duchy. The king hastened to put an end to this unnatural war: called his children before him, and apparently reconciled them to each other. From our ignorance of the motives which secretly swayed the three princes, we obtain but a dark and indistinct view of the events which followed. Richard appears to have remained with his father; first Henry, and then Geoffrey, revolted; both returned with professions of regret to their duty, and both again unfurled the standard of rebellion. Plots were laid against the life of the king. On one occasion, as he advanced to speak with Henry, he was received with a volley of arrows, one of which pierced his cuirass, but only inflicted a slight wound; on another, as he was going to confer with Geoffrey, his horse was shot through the head. The bishops of Normandy, by command of the pope, excommunicated the authors, and the fomentors of the war;[2] but the two brothers persevered in their hostility, supported their followers with the plunder of the husbandmen and the churches, and fixed the festival of Whit-Monday to give battle to their father. But before the day arrived, fatigue and anxiety had thrown the young Henry into a fever, which speedily baffled the skill of his physicians. When he was informed that he had only a few hours to live, his soul became agitated with fear and remorse. He despatched a messenger to his father to implore forgiveness, and to solicit as a last favour that he would visit his dying but repentant son. The king was inclined to go; his friends, apprehensive of some new

[1] Præ universis mortalibus obtinuit gloriam, et supereminentiam militia sæcularis.—Pet. Bles. ep. 2.

[2] Pet. Bles. ep. 47, 69.

plot, dissuaded him. Taking therefore a ring from his finger, he bade the archbishop of Bordeaux to bear it to the prince as a token of his love and forgiveness. The young Henry pressed it to his lips, confessed his sins in public, and ordered the bishops to lay him on a bed of ashes prepared in the middle of the room, where he received the sacraments and expired.[1] His death dissolved the confederacy; and Geoffrey was pardoned, though his castles were seized and garrisoned by the king. The prince, however, felt no gratitude for the lenity with which he had been treated; and on the refusal of a demand which he made of the earldom of Anjou, repaired to the court of Philip, the French king, where he died, while he was contriving new troubles for his father. Henry did not lament his loss; by Philip he was buried with extraordinary pomp, and demonstrations of sorrow.[2]

Many years had elapsed since Adelais, the daughter of Louis of France, had been betrothed to Richard, and intrusted to the care of his father. Henry kept her in one of his castles, and jealously excluded his son from her company. It was now rumoured that he was in love with her himself; and his character, joined to the attempt which he made to procure a divorce from Eleanor, gave strength to the general suspicion. If Richard troubled himself at all on account of the princess, it was merely for political motives; but Philip earnestly sought to preserve the reputation of his sister, and the honour of his family. He demanded Adelais for her husband; to his demand the pope added the threat of excommunication; but the wily monarch was able to defeat both the demands of the one, and the threats of the other, by deceitful promises and evasive proposals. Though this conduct involved him in perpetual quarrels with the king of France, he kept her in his custody; and till his death it remained a problem, whether she were the wife of the son, or the mistress of the father.

The interest which Philip and Richard felt in the situation of Adelais, naturally connected these two princes, who, at the conclusion of an armistice under the mediation of the papal legates, returned together to Paris, and to prove that they looked on each other as brothers, ate at the same table, and slept in the same bed.[3] This intimacy alarmed the jealousy of the king, and Richard was ordered to return to his own territories. He obeyed; and during the repeated hostilities between Philip and Henry, aided his father, till his suspicions were awakened by the marked partiality of the king for his youngest son John, and by reports that the crown of England was destined for that

[1] Diceto, 617. Hov. 352. Gervase, 1482, 1483.

[2] Hoved. 360. Diceto, 630. Here it may, perhaps, be observed that at this period every man, who pretended to any knowledge of astronomy, was by profession an astrologer; that these sages annually published their predictions; and that in the present year (1186) all the Christian nations, both Greek and Latin, were terrified with the expectation of the evils which would follow the conjunction of most of the planets in the sign Libra on the 16th of September. A pestilential wind, accompanied with earthquakes, was to sweep the face of the earth, overturning trees and houses, and burying in sand the towns of Egypt, Ethiopia, and Arabia, and other arid regions. The Mahometan astrologers in Spain derided these predictions. They contended that the malignant influence of Saturn and Mars would be balanced by the benignity of Venus and Jupiter, and that the worst that could happen would be a scanty harvest, many shipwrecks, and much bloodshed in battle.—Hoved. 356—358. Bened. Abb. ii. 414. Fortunately Baldwin, archbishop of Canterbury, to avert these calamities, ordered a fast of three days throughout his province (Gervase, 1479); and as the season proved more than usually serene, the astrologers, to save their credit, were enabled to ascribe to the piety of the people the non-accomplishment of their predictions.

[3] Hoved. 362.

prince. After a communication with Philip, both proceeded to a conference with Henry, in which the French king proposed, as the basis of a peace, that Adelais should be given up to Richard, and that Henry's vassals should swear fealty to that prince as the heir apparent. During the altercation which followed, Richard observed that he was the eldest surviving son, and that his title to the succession ought to be recognised. The king returned an evasive answer. "Then," exclaimed the indignant youth, "I am compelled to believe that which I before deemed impossible;" and instantly ungirding his sword, and kneeling at the feet of Philip, added: "To you, Sir, I commit the protection of my rights; and to you I now do homage for all the dominions of my father in France." Philip replied, that he accepted him for his man, and restored to him all the castles which he had taken from Henry. The king, astounded at what he saw and heard, retired precipitately from the conference.[1]

At the conclusion of the truce, hostilities recommenced. Richard, with most of the continental barons, joined the French king; and Henry, compelled to flee from his enemies, successively abandoned Mans, his birthplace, the castle of Ambois, and the strong city of Tours. His health was much impaired, and as a precaution in case of his death, he required the seneschal of Normandy to swear that he would deliver the fortresses of that province to Prince John; so little did he know that John himself had joined in the confederacy against him. At the solicitation of the bishops, the two kings met in a plain near Tours, Philip exulting in the pride of victory, Henry with a mind subdued by misfortune. While they were conversing at a distance from the crowd, the lightning fell near them; soon afterwards a second peal of thunder, still more tremendous, was heard, and the agitation of the king became so great, that his attendants found it difficult to hold him on horseback. In this state he submitted to all the demands of his enemies; to pay a sum of twenty thousand marks as an indemnity to Philip; to permit his vassals to do homage to Richard; and to place Adelais in the hands of one out of three persons then named, who, at the return of Philip and Richard from the crusade, should deliver her to one or other of these princes. He had stipulated that a list should be given to him of the barons who had joined the French king, a curiosity that planted a dagger in his breast; for the first name which caught his eye was that of his favourite son John. He read no further; but returning the paper, departed for Chinon with a broken heart. At first he sank into a deep melancholy; this was followed by a raging fever, in the paroxysms of which he called down the vengeance of heaven on the ingratitude of his children. Geoffrey the chancellor, and one of his natural sons, attended with pious sedulity the sick-bed of his father. Henry thanked him for his affection, gave him with his blessing the ring from his own finger, and expressed a wish that he might be promoted to the archbishopric of York, or the bishopric of Winchester. On the seventh day all hope of his recovery vanished; and at his request he was carried into the church, and received at the foot of the altar the last consolations of religion. The moment he expired the bishops and barons departed, while the other attendants stripped the corpse, and carried off everything that was valuable. He was buried with little pomp in the choir of the

[1] Hov. 370. Diceto, 641. Gervase, 1536. Bened. Abb. ii. 540.

THE MEETING BETWEEN HENRY II. AND PHILIP AUGUSTUS AT TOURS.

convent of Fontevraud, in the presence of his son Richard, and of a few knights and prelates.[1]

By his queen Eleanor, Henry had five sons, of whom only two, Richard and John, survived their father. His daughters were Matilda, Eleanor, and Joan, whose marriages may be briefly mentioned. 1. The husband of Matilda was Henry the Lion, duke of Saxony, Bavaria, Angaria, and Westphalia, at one time the most powerful, afterwards the most unfortunate, prince in Europe. His arrogance united the whole empire against him. By a judicial sentence he was despoiled of all his dominions, except his wife's dower, the cities of Brunswick and Lunenburgh, and was compelled to banish himself from Germany for the space of three years. It was during their exile that Matilda bore him a fourth son, William, from whom is descended the illustrious family which now fills the imperial throne of these realms. 2. Eleanor in her fourteenth year was married to Alphonso the Good, king of Castile. Her son Henry succeeded his father; her four daughters became the queens of France, Leon, Portugal, and Arragon. 3. Joan, the youngest of the three sisters, at the age of eleven was conducted to Palermo, and married to William the Second, king of Sicily. She bore him no children; but her husband settled on her a princely dower, and by his will left to her father a table of gold twelve feet in length and one foot and a half in breadth, a tent of silk sufficiently capacious to hold two hundred persons, sixty thousand measures of wine, sixty thousand of wheat, and sixty thousand of barley, with one hundred galleys equipped and provisioned for two years. Probably he had made these preparations in consequence of his vow to join the crusade. Henry died three months before him; but his son Richard, as will afterwards be seen, compelled the successor of William to pay to him an equivalent for these bequests.[2]

Of the king's natural children the most celebrated were his sons by Rosamond, the daughter of Walter Clifford, a baron of Herefordshire. William, the elder, was born while Henry was duke of Normandy, Geoffrey, the younger, about the time of his accession to the throne of England.[3] They were educated with the children of Eleanor, and destined for the highest offices in the church and state. William, who received the surname of "Longsword," married the heiress of another William, earl of Salisbury, and succeeded to the estates and titles of that powerful nobleman. Geoffrey before he had attained the age of twenty was named to the bishopric of Lincoln. It was at the time of the first rebellion, and the prelate elect immediately assembled a body of armed men, and dispersed the northern insurgents. At the head of one hundred and forty knights he met his father, who embraced him, exclaiming: "Thou alone art my legitimate son: the rest are bastards."[4] It was two years before he could obtain the confirmation of his election, on account of his youth; and seven years afterwards, though he continued to receive the revenues of the see, he was still a layman. At length the pope insisted that he should take orders, or resign the bishopric. He chose the latter, and attended his father in the quality of chancellor during the last war, and at his decease.

[1] Hov. 372. Gervase, 1545. Girald. Ang. Sac. ii. 381, 382. Newbrig. iii. 25. Bened. Abbas, ii. 543, et seq.

[2] Hoved. 385. Bened Abb. ii. 612.

[3] He was older than Prince Henry (Ang. Sac. ii. 878), who was born within four months after the death of Stephen.—Diceto, 530.

[4] Ang. Sac. ii. 380.

Their mother, before her death, had retired to the convent of Godstow, where she endeavoured by amendment of life to expiate the scandal of her former incontinence. Henry, for her sake, bestowed many presents on the nuns, who, through gratitude to her memory, buried her in their choir, hung a pall of silk over her tomb, and surrounded it with lamps and tapers. Hugh, bishop of Lincoln, disapproved of their conduct. Religion, he observed to them, makes no distinction between the mistress of a king and the mistress of any other person. By his orders her body was removed, and interred in the common cemetery.[1]

Henry had made his last will seven years before his death. It regards nothing but his personal estate; for the crown lands would of course descend to his successor. He bequeaths twenty thousand marks of silver to be divided into four equal portions for the support of the Knights Templars, of the Knights Hospitallers, of the different religious houses in Palestine, and for the defence of the Holy Land. He gives five thousand to the religious houses in England, three thousand to those in Normandy, and two thousand to those in Anjou. For the dower of indigent free women in England, that they may be married suitably to their estate, he leaves three hundred marks of gold, two hundred for the same purpose in Normandy, and one hundred in Anjou. Two thousand marks of silver were to be divided among the nuns of Fontevraud, where he wished to be buried, and ten thousand more were bequeathed to particular monasteries and convents. The will ends in the following manner: "And I command you, my sons, by the faith which you owe me, and the oaths which you have sworn to me, that you cause this my testament to be inviolably fulfilled, and oppose no impediment in the way of my executors; and if any man presume to do otherwise, may he incur the indignation and wrath of the Almighty God, and the curse both of God and me. In the same manner I command you, archbishops and bishops, to excommunicate with lighted candles all who shall presume to disturb this my will; which I would have you know, that the sovereign pontiff has confirmed with his signature and seal, under the threat of anathema."[2]

We are indebted to the care of Henry for the first assize of arms. The Conqueror had strictly enjoined that all freemen should be provided with competent arms: Henry gave to the itinerant judges the charge to see that this injunction was faithfully obeyed. In 1181 they received instructions to inquire with the aid of juries into the value of all freemen's rents and chattels, to enrol their names in separate classes, to add after each the arms belonging to that class, and to cause the schedule to be read in open court before those whom it concerned. Every military tenant was to possess a coat of mail, a helmet, a lance, and a shield, for every knight's fee which he held; every free layman having in rent or chattels the value of sixteen marks, was to be armed in the same manner; but if he had only ten marks, he was to possess a habergeon, a skull-cap of iron, and a lance; and all burgesses and freemen of smaller property were to have at least a jacket lined with wool, a skull-cap of iron, and a lance. All were obliged to swear that they would provide themselves with these arms against the next feast of St. Hilary, to be faithful to King Henry, the son of the empress Matilda, and

[1] Hoved. 405.

[2] Rym. i. 57.

to keep their arms for the king's service, and with fidelity to the king and kingdom. An additional oath was taken at the same time, that they would not buy or sell ships to be carried beyond the sea, or send timber out of the kingdom.[1]

CHAPTER IV.

RICHARD I.

CONTEMPORARY PRINCES.

Emp. of Germ.	*K. of Scotland.*	*K. of France.*	*K. of Spain.*
Frederic I..... 1190 Henry VI..... 1197 Philip.	William.	Philip Augustus.	Alphonso IX.

Popes.

Clement III. 1191. Celestin III. 1198. Innocent III.

CORONATION OF RICHARD—MASSACRE OF THE JEWS—CRUSADE—HE COMPELS THE KING OF SICILY TO SUBMIT—HE CONQUERS THE ISLAND OF CYPRUS—HIS EXPLOITS IN PALESTINE—HIS RETURN AND CAPTIVITY—TROUBLES IN ENGLAND—THE KING RANSOMED—HIS WARS IN FRANCE—AND HIS DEATH.

THE reader is already acquainted with the character of Richard, the eldest of the surviving sons of the late king. It was remarked that when he first saw the corpse of his father he burst into tears; and this token of natural affection was hailed by the spectators as a proof of remorse. His subsequent conduct contributed more to turn the tide of public opinion in his favour. He dismissed his own counsellors, and called to his service those who remained faithful to his father.[2]

To take formal possession of his transmarine dominions, and to settle the existing differences between the crowns of France and England, detained Richard a few weeks on the continent. But he immediately ordered his mother Eleanor to be liberated from confinement, and invested her with the high dignity of regent. The queen dowager exercised her authority with prudence and moderation. As she proceeded in royal state from district to district, she distributed alms for the soul of her late husband, released the prisoners who had been confined without due process of law, forgave offences committed against the crown, restrained the severity of the foresters, and reversed the outlawries issued upon common fame. By proclamation she ordered all freemen to take the oath of allegiance to Duke Richard—he had already received the ducal coronet in Normandy—and to swear that they would be obedient to his laws. At her invitation the barons and prelates assembled at Winchester to receive their new sovereign, and the third day of September was fixed for the ceremony of his coronation.[3]

[1] Ben. Abb. i. 365. Hoved. 350. I have translated maireman by the word timber, as it seems to be an error of the copyist for maremium.

[2] Hoved. 373. Brompton, 1155. Paris, 151.

[3] Brompt. 1155. Our ancient writers call him Earl Richard, from his father's death

At the appointed hour the procession moved from his chambers in the palace of Westminster. The whole way to the high altar in the church had been previously covered with crimson cloth. First came the clergy, abbots, and bishops, followed by two barons with the cap of state, and golden spurs, and two earls carrying the rod and sceptre. The three swords were borne by John, the king's brother, David, brother to the king of Scotland, and William, earl of Salisbury; and to these succeeded six earls, and six barons carrying on their shoulders the different articles of royal apparel. The crown had been intrusted to the hands of the earl of Albemarle, who was followed by Richard himself, supported by the bishops of Durham and Bath. Over his head was borne a canopy of silk, stretched on four spears, and carried by four barons. Baldwin, archbishop of Canterbury, received the king at the altar, and administered to him the usual oath. Richard then threw off his upper garment, put on sandals of gold, was anointed on the head, breast, and shoulders, and received successively from the proper officers the cap, tunic, dalmatic, swords, spurs, and mantle. Thus arrayed he was led to the altar, and solemnly adjured by the archbishop, not to assume the royal dignity unless he were resolved to observe the regal oath. He renewed his promise, took the crown from the altar, and gave it to the prelate, who immediately placed it on his head. The ceremony of the coronation was now completed. Richard repaired to the throne; and, after the celebration of the mass, was reconducted in state to his apartments.[1]

The young king had taken the cross during the reign of his father. By a prince of his adventurous spirit, an expedition to the Holy Land would at any time have been hailed with joy; at the present it offered to his mind irresistible attractions. After the fatal battle of Tiberias, Acre, Sidon, Ascalon, and Jerusalem had fallen into the hands of Saladin, the victorious soldan of Aleppo and Egypt; Tyre alone remained in possession of the Christians; and, if the struggle was still faintly maintained, it was by the exertions of the thousands from Europe, whose misguided zeal led them annually to perish under the walls of Acre. The considerations which would have deterred a more prudent monarch, served but to inflame the ambition of Richard; and to make preparations for the recovery of Jerusalem, and the discomfiture of the Moslem conqueror, were the great objects of his policy during the four months which he allotted to his residence in England. With this view he hastily filled, in a council at Pipewell, the vacant abbeys and bishoprics; and divided the powers of the regency in his absence between his chancellor William Longchamp, bishop of Ely, and his justiciary Hugh Pudsey, bishop of Durham. To satisfy his mother, he added to her dower all the lands which had been settled on Matilda, the queen of the first Henry, and on Alice the relict of Stephen; and, that his brother John might through gratitude be attached to his interest, he gave him, besides the earldom of Moretagne in Normandy, those of Cornwall, Dorset, Somerset, Gloucester, Nottingham, Derby, and Lancaster in England, about one-third of the whole kingdom.[2] In the

till July 20th, when he became duke of Normandy; and then Duke Richard till Sept. 3rd, when he was crowned king of England. Of course, if he was not king till his coronation, the years of his reign would be dated from the day of that ceremony. In the archives of the duchy of Lancaster is a charter granted on August 3, 1190, and dated in the *first* year of his reign.—See Archæol. xxvii. 111.

[1] Hoved. 374. Brompt. 1157. Gerv. 1549. Diceto, 647. I have described the ceremony of the coronation, because it is the most ancient on record. [2] Hov. 373. Bromp. 1155.

treasury at Salisbury above a hundred thousand marks were deposited, the fruit of his father's rapacity; but he deemed this enormous sum inadequate to the gigantic projects which he had conceived, and sought to augment it by expedients most disgraceful to himself, and injurious to his successors. The demesne lands, the honours and the offices of the crown, were exposed to public sale. Exorbitant sums, under the name of presents, were extorted from every new bishop and abbot. For a bribe of three thousand pounds he remitted his displeasure against his brother Geoffrey, the son of Rosamond, who had been lately chosen archbishop of York; he sold the earldom of Northumberland to the bishop of Durham during the term of his natural life for ten thousand pounds; and in consideration of an equal sum, he restored to the king of Scots the castles of Berwick and Roxburgh, with all the right of superiority over the crown of Scotland which had been acquired by Henry. Then came the punishment of real or presumed offenders. Ranulph de Glanville, the favourite of the last sovereign, was cast into prison, and compelled to pay fifteen thousand pounds for his liberty; and Stephen, the last seneschal of Anjou, was kept in irons, and tormented with hunger in Winchester, till he paid thirty thousand Angevin pounds, and bound himself to pay fifteen thousand more for his release. When the means of raising money were exhausted in England, he sailed to Normandy to fill his coffers by similar expedients.[1]

Before we accompany him on his way to Palestine, it will be proper to advert to the fate of the English Jews. The Jews of this period were, in every Christian country, the sole, or the principal bankers. As no law existed to regulate the interest of money, their profits were enormous; and at the time of a military expedition, and especially of a crusade, their demands always rose in proportion to the number and wants of the borrowers. Hence, sensible that they had earned the hatred of the people, they were careful to deserve by the value of their offerings the friendship of the prince. In England they had grown rich under the protection of the late king; but, as Philip of France had, at his accession, banished them from his dominions, confiscated their property, and annulled the obligations of their debtors, an idea was confidently

[1] Ric. Dio. 8—10. Hov. 374, 6, 7. Bromp. 1161, 1167. Diceto, 649. The king's charter to the king of Scots may be seen in Rymer (i. 64.). It is not, as sometimes has been supposed, a formal recognition of the independence of Scotland, but a resignation on the part of Richard of all those rights which Henry had extorted from William for his ransom. In lieu of them he received ten thousand pounds, probably the sum which William would have given to Henry. The respective rights of the two crowns were now replaced on the same footing as formerly: William was to do to Richard whatever Malcolm ought to have done to Richard's predecessors, and Richard was to do to William whatever *they* ought to have done to Malcolm, according to an award to be given by eight barons, to be equally chosen by the two kings ("quidquid antecessores nostri prædicto Malcolmo de jure fecerunt, et facere debuerunt, *scilicet* et de conductu, &c. Evidently the word *scilicet* shows that the words following are explanatory of those preceding; and that the *right* of the Scottish king meant the honours to be paid to him in England, whenever he was called to the English court. Moreover, William was to possess in England the lands which Malcolm had possessed; and to become the liege man of Richard for all lands for which his predecessors had been the liege men of the English kings. The award was afterwards given, by which it appears, that the words libertates, dignitates, honores debiti, &c., mean the allowances to be made and the honours to be shown to the king of Scots, as often as he came to the English court by the command of his lord the English king, from the moment that he crossed the borders till his return into his own territories.—Rym. i. 87. This will explain the clause of salvis dignitatibus suis, in the oath taken by the Scottish kings, which some writers have erroneously conceived to mean, saving the independence of their crown.

entertained that similar measures would be adopted by the new sovereign. To obviate the expected calamity, the Jews had hastened with valuable presents from every county to London; but Richard, whether he foresaw the probability of a popular tumult, or thought that their presence would pollute the holiness of the ceremony, forbade them to appear before him on the day of his coronation. In defiance of this prohibition, some had the temerity to mix with the crowd, and enter the gates of the palace. They were expelled with insults, followed by clubs and stones, and murdered by the fury of their pursuers. A report immediately gained credit that the king had given a general permission to kill them and plunder their property. The populace assembled in great numbers; every Jew found in the streets was murdered without mercy; and every house belonging to a Jew was set on fire. It was in vain that Richard despatched the justiciary with several knights to disperse the rioters. These officers were compelled to flee for their own safety, and the work of conflagration and murder continued till the next morning. The king hanged three of the ringleaders, on the pretext that they had burned the houses of Christians; but he refused to irritate his subjects at the beginning of his reign by acts of severity in favour of a hated people, and contented himself with issuing a proclamation, in which he took the Jews under his protection, and forbade any molestation to be offered to them either in their persons or property.[1]

This impunity, however, encouraged the enemies of the Israelites; and the Crusaders in their way to the coast were careful to imitate their brethren in the capital. The excesses at Lynn, Norwich, Stamford, Edmondsbury, and Lincoln, seem to have been caused by the impulse of the moment; those at York were the result of an organised conspiracy. Before sunset a body of men entered the city, and in the darkness of the night they attacked the house of Bennet, a wealthy Jew, who had perished in the riot in London. His wife and children were massacred, his property was pillaged, and the building was burnt. The house marked for destruction on the following night belonged to Jocen, another Jew equally wealthy, but who had escaped from the murder of his brethren in the metropolis. He had, however, the wisdom to retire into the castle with his treasures and family, and was imitated by most of the Jews in York and the neighbourhood. Unfortunately one morning the governor left the castle; at his return the fugitives, who amounted to five hundred men, independently of the women and children, mistrusting his intentions, refused him admission. In conjunction with the sheriff he called the people to his assistance; the fortress was besieged night and day; a considerable ransom was offered and rejected; and the Jews in their despair formed the horrid resolution of disappointing with their own hands the malice of their enemies. They buried their gold and silver, threw into the flames every thing that was combustible, cut the throats of their wives and children, and consummated the tragedy by stabbing each other. The few who had not the courage to join in this bloody deed told the tale from the walls to the assailants, and to save their lives implored permission to receive baptism. The condition was accepted, and the moment the gates were thrown

[1] Hoved. 374. Diceto, 647. Hemingford, 514. Newbrig. iv. 1.

open they were massacred. The conquerors then marched to the cathedral, extorted from the officers the bonds which the Jews had deposited with them for greater security, and making a bonfire, burnt them in the middle of the nave. These outrages brought the chancellor to York; but the principal offenders fled into Scotland; and he contented himself with deposing the sheriff and governor, and taking the recognizances of the citizens to appear and answer in the king's court. In narrating so many horrors, it is a consolation to find them uniformly reprobated by the historians of the time. If the ringleaders endeavoured to inflame the passions of the populace by religious considerations, it was merely as a cloak to their real design, of sharing among themselves the spoils of their victims, and of extinguishing their debts by destroying the securities, together with the persons, of their creditors.[1]

During these massacres, Richard was in France preparing for the crusade. The two kings had reciprocally bound themselves to commence their pilgrimage at the feast of Easter; on account of the premature death of the French queen, the time was deferred till midsummer. They met in the plains of Vezelai; and a gallant army of more than one hundred thousand men, in the double character of warriors and pilgrims, marched under their banners. At Lyons they separated, Philip taking the road to Genoa, Richard that to Marseilles; but it was mutually understood that both armaments should join again in the port of Messina in Sicily. At Marseilles the patience of Richard was put to a severe trial. His fleet had not arrived; he refused to wait; hired thirty small vessels for himself and suite, crept along the Italian coast, and after several adventures, in which his temerity led him into imminent danger, landed in safety at Naples. A week was employed to satisfy his curiosity in the neighbourhood; after which he crossed to Salernum, and fixed his residence in that city, celebrated at the time for the skill of its medical professors.[2] Before his departure from Vezelai he had given the command of his fleet to two bishops and three knights, with the title of constables.[3] They crossed the Bay of Biscay, and reached the mouth of the Tagus in time to assist at the defence of Santarem against the Mohammedan emir Al Moumenim. But their allies soon discovered that the Crusaders were not less dangerous as friends than as enemies. The citizens of Lisbon were compelled to arm for the protection of their wives and property; and it was not till much blood had been shed that peace was restored by the exertions of the king of Portugal and the constables of the fleet. From the Tagus they steered to the Straits of Gibraltar, passed them, and keeping the Spanish shore constantly in view, ascended the Mediterranean as far

[1] Hoved. 379. Diceto, 651. Hemingf. 515, 516. Bromp. 1172. Newbrig. iv. 7—11.

[2] The celebrated medical poem in Leonine verse by the professors of Salernum was dedicated to Richard.

[3] The laws which he published at the same time for the government of the fleet mark the character both of the man and of the times. In cases of murder the homicide was to be tied to the dead body, and, if the crime was committed on shipboard, to be cast with it into the sea; if on shore, to be buried with it in the same grave. In quarrels, whoever drew a knife, or struck another so as to draw blood, was to be punished with the loss of his hand; if he did not draw blood, he was to be immersed thrice in the sea. To restrain abuse it was ordered, that for every contumelious expression a fine should be imposed of one ounce of silver. Convicted thieves were to have their heads shaved, tarred, and feathered, and to be put on shore in that condition.—Hoved. 379. Rymer, i. 65.

as Marseilles. The army then embarked with expedition; and having passed between Corsica and Sardinia, and sailed through the Lipari isles, reached without any accident the port of Messina. Two days later arrived the king of France in a single ship; and he was soon followed by Richard, who made his entry amidst the clangor of martial music, and with all the parade of a conqueror. Philip received for his residence a royal palace within the walls; to the English prince was allotted a house in the suburbs surrounded with vineyards.[1]

In Sicily the reigning king was called Tancred, a fortunate adventurer, who had seized the crown at the death of William, the late sovereign. He would gladly have declined the honour of receiving these powerful and therefore dangerous guests. As he had never indeed incurred, he had no reason to fear, the resentment of Philip; but he had detained the dower of Joan, the sister of Richard, and relict of William; and had refused to pay the legacies which that prince had left to Henry, Richard's father. All these were now imperiously demanded. From Palermo, where she had been confined, Joan was restored to her brother, who immediately crossed the strait, took forcible possession of a strong castle on the Calabrian coast, and assigned it to the queen for her residence. The next day he seized a neighbouring island, expelled the monks its proprietors, and converted it into a depôt for provisions. These unceremonious proceedings alarmed the Sicilians; murderous affrays followed between them and the strangers; and Richard imperiously renewed his demand of the legacies. He had already made preparations for an assault on the capital, when his impetuosity was checked by the arrival in his camp of messengers from Tancred, accompanied by the king of France, and a numerous party of bishops and Crusaders, as the mediators of peace. With them he had spent some hours in debate, when a loud cry was heard, "To arms, to arms! They have taken Hugh Browne, and are murdering his men!" The whole camp was instantly in an uproar. The mediators withdrew hastily; Richard mounted his horse; his banner of the dragon was unfurled; and ten thousand men followed the monarch. The Sicilians fled from the summit of a mountain, which separated the camp from the city; the walls were cleared of their defenders by the skill of the English archers; the gate was broken open with a battering-ram, and a great part of the city was abandoned to the licentious soldiery, who plundered the houses, burnt the galleys, and carried off the women to the camp. The pride of Philip was hurt to find himself by this event a prisoner in the hands of his vassal; and, when he beheld the English banners waving on the towers, he loudly complained of the insult. After some hesitation Richard ordered them to be removed; and to appease the king of France, intrusted the custody of the place to their common friends and associates, the Knights Templars and Hospitallers.[2]

Tancred now saw that it was in vain to contend against so powerful a litigator. In satisfaction of every claim he paid Richard forty thousand ounces of gold; and the king in return guaranteed to him the possession of Apulia and Capua; betrothed his nephew and heir, Arthur, the young duke of Bretagne, to the infant daughter of Tancred; and engaged,

[1] Hoved. 381, 383. Vinesauf, 308.

[2] Hoved. 384. Vinesauf, 309—311. Diceto, 656.

in case the marriage were not completed, to repay the king of Sicily or his heirs one-half of the money which he had received. This treaty was deposited with the pope, whom both parties invited to enforce its observance with ecclesiastical censures.[1]

Richard and Philip, though jealous of each other, contrived to mask their real feelings, and spent the winter in apparent amity. But in the display of his generosity the king of England eclipsed his rival. He sent to Philip one half of the forty thousand ounces of gold, as his share of the profits made by the expedition; and when he heard that many complained of the expense caused by their stay in the island, spontaneously offered to supply with money all who were in want. At Christmas he invited to his table every gentleman in the two armies; and after dinner gave to each a present proportionate to his quality.[2] But soon another subject of dissension arose. Richard had offered his hand to Berengaria, the daughter of Sancho king of Navarre; and his mother Eleanor had arrived with the princess at Naples. Philip immediately brought forward the claim of his sister Adelais, who had for so many years been espoused to the king of England; but Richard declared that he would never marry a woman who had been, as he could prove, the mistress of his father. During the dispute Tancred put into the hands of the king a letter which he pretended to have received from Philip, containing proposals for a confederacy against Richard; and Philip, when it was shown to him, pronounced it a forgery, an unworthy artifice to countenance the English monarch in his rejection of Adelais. At length it was agreed that Richard should be released from his contract with the French princess, that he should pay to Philip ten thousand marks by instalments in the course of five years, and that at his return from Palestine he should restore Adelais, with the strong places which he held as her marriage portion. Some days later the king of France sailed for Acre. Richard accompanied him a few miles; then turning to Reggio, took on board Eleanor and Berengaria, and conducted them to Messina.[3]

At length the king bade adieu to Sicily with a fleet of fifty-three galleys, and one hundred and fifty other ships. Eleanor had returned to England; the queen of Sicily, and the princess of Arragon, accompanied the expedition. Nine months had already elapsed since Richard commenced his journey, and yet, though he was but a few days' sail from the Holy Land, the impetuosity of his character led him to squander away two more months in a very different enterprise. His fleet had been dispersed by a tempest, and when he reached Crete twenty-five ships were missing. He proceeded as far as Rhodes; but being detained there by sickness, despatched some swift-sailing vessels to collect the stragglers. From these he learned that two ships had been stranded on the coast of Cyprus, that the wrecks had been plundered, and the crews thrown into prison. As soon as his health would allow, he sailed to Lymesol, and found before the port the vessel which carried his sister and Berengaria. They had been invited

[1] Hoved. 385, 386. Vinesauf, 313. Diceto, 656.

[2] The king had heard of the fame of Joachim, abbot of Curacio, and sent for him to explain the Apocalypse. His interpretation may be seen in Hoveden, and is just as deserving of attention as those of our modern expounders. *He* of course found Saladin among the heads of the beast, and could also foretel the year in which Jerusalem would be recovered. His opinions were fiercely contradicted by the English clergymen in the king's suite.—Hoved. 388.

[3] Hoved. 387—392. Vinesauf, 314—316. Adelais was not restored till some years later, when she married the count of Ponthieu.—Hov. 430.

to land by Isaac, a prince of the Comnenian family, who styled himself emperor of Cyprus; but distrusting the faith of the tyrant, had remained in the open sea, waiting the arrival of Richard. He immediately demanded satisfaction for the treatment of the Crusaders, and received an absolute refusal. Isaac had manned six galleys for the protection of the harbour, and had drawn up his forces along the beach. This prince, with his guards and chieftains, was splendidly attired. The rest had no defensive armour, and fought with swords, lances, and clubs. After a sharp contest the galleys were taken; the archers in the first boats cleared the beach of the enemy; Richard landed with his usual impetuosity, and Lymesol was taken. The next day Isaac suffered himself to be surprised in his camp by the activity of the invaders, and escaped with difficulty to Nicosia. Humbled by these disasters, and disheartened by the defection of the Cypriots, he condescended to sue for a conference, which was held in a plain before Lymesol. Richard appeared on a Spanish charger, clothed in a silk tunic of rose-colour, with a mantle embroidered with crescents of gold, and bearing a truncheon in his right hand. After much conversation, it was agreed that Isaac should pay three thousand five hundred marks of gold; that he should do homage to the king of England; should resign to him all his castles; should serve with five hundred knights in the holy war; and at his return, if he had given satisfaction to his new lord, should be reinstated in the possession of his dominions. But the Cypriot soon repented of his facility, and escaped in the night from his guards. Resistance, however, was fruitless. Another battle was lost; Nicosia surrendered; and his daughter, on whom he doated most tenderly, fell into the hands of the conqueror. With a broken heart he left the strong fortress of St. Andrea, and threw himself at the feet of Richard, who ordered him to be bound in chains of silver, and to be confined in a castle on the coast of Palestine.[1]

It was at Lymesol that the king married Berengaria, who was anointed and crowned by the bishop of Evreux.[2] Here also he received a visit from Guy of Lusignan, the unfortunate king of Jerusalem. Guy had worn that crown in right of his wife Sybilla; but at the siege of Acre he found a dangerous competitor in Conrad, the marquess of Montferrat, and prince of Tyre. Sybilla was dead; and Conrad, who had married her sister Melisent, contended that the crown could no longer belong to Lusignan, but had descended to himself as the husband of the real heiress. Philip, who had reached Acre, espoused the cause of Conrad; and this alone would have been a sufficient reason with Richard to support the interest of his rival. He received Lusignan with honour, acknowledged him for king of Jerusalem, and gave him two thousand marks to relieve his present necessities.[3]

The siege of Acre had now lasted the greater part of two years; and both the attack and defence had been conducted with the most obstinate bravery. The entrance of the port was watched by the galleys of Pisa; while the land army encamped round the town in a semicircle from sea to sea. But the besiegers were themselves besieged; and from the neighbouring mountains Saladin with an immense army watched all their motions. The

[1] Vinesauf, 321—328. Trivet, 105. Hoved. 393, 394. Isaac died a captive in 1195. Hoved. 432.

[2] They had not been married in Sicily on account of the time of Lent.

[3] Vinesauf, 324.

numbers of those who perished by the sword, famine, and pestilence, is almost incredible. A hundred and twenty thousand bodies, we are told, were buried in the course of one year in the great cemetery; and in the catalogue of the dead were recorded the names of six archbishops, twelve bishops, forty earls, and five hundred barons.[1] But the arrivals of each day supplied the losses of the preceding; it seemed as if the existence of Christendom depended on the reduction of Acre; and knights, clergymen, and warriors continually hastened from every part of Europe to lay their bones in this immense charnel-house. The arrival of Philip, soon after his departure from Sicily, had diffused new vigour through the army. Military engines had been erected; the walls were battered and undermined; breaches were made; and nothing was wanting for the assault but the presence of Richard, with whom the king of France had engaged to share the danger and glory of the attempt. He was at Famagusta, in pursuit of Isaac, when he was met by the envoys from the army at Acre. They complained that by his delays he had paralyzed the efforts of all Christendom; that he seemed to seek his own, not the general good; and that he had converted against the believing natives of Cyprus those arms which he had vowed to employ against the infidels of Asia. Richard was not of a disposition to bear reproof. He replied with passion, and overwhelmed the envoys with a torrent of abuse, which astonished and intimidated the hearers.[2] Now, however, that he had completed his conquest, he burned with impatience to reduce Acre. Of the Cypriots he exacted as a fine one-half of their moveables; confirmed to them the laws and customs which prevailed in the time of the emperor Manuel; gave the government to Richard de Camville and Robert de Thurnham, and sailed from Famagusta with fifty galleys, one hundred transports, and thirteen large ships called busses. On the second day the fleet gave chase to a strange sail, which on nearer approach proved to be a ship of war of enormous bulk, carrying three masts, and filled with armed men. To repeated inquiries were returned ambiguous and contradictory answers. Richard ordered a general attack. But the small galleys of the Christians were no match for this stately vessel, and the Turks steadily pursued their course, as if they despised the shoal of enemies who sought to annoy them. Their progress was at last impeded by the audacity of some mariners, who plunging into the sea, fastened with cables the Turkish helm to the English galleys. The Christians immediately boarded, and drove their opponents from the forecastle to the stern; but were driven back in their turn, and compelled to escape to their own ships. Richard at last resolved to destroy what he despaired of being able to capture. By his orders the larger galleys formed in a line with their heads to the enemy. The signal was given, and the rowers exerted all their strength, and the galleys were propelled with such velocity that their beaks perforated the sides of the Turkish vessel. She filled, and sank with the

[1] Vinesauf, 347. Hoved. 390. Bohadin (p. 14) computes the whole number of the Crusaders, who at different times were present at the siege at five or six hundred thousand. Vinesauf asserts, of his own knowledge, that, during the siege and soon after, more than three hundred thousand persons perished by famine and sickness. Revera novimus et infirmitatis corruptione et famis inedia decessisse peregrinorum trecenta millia et eo amplius, et in obsidione Achonensi, et post in ipsa civitate (p. 427). It is probable that the losses of the infidels were not much less, as the armies of Saladin were constantly supplied with volunteers, who from every Mohammedan country pressed forward with similar enthusiasm to oppose the enemies of their religion.

[2] Vinesauf, 326.

provisions, military stores, and supplies of Greek-fire and venomous serpents which she was carrying to the besieged. Her crew had consisted of fifteen hundred picked men. Thirty-five only were saved, officers and mechanics; the rest were either massacred or drowned.[1]

Richard in a few days reached the camp of the Crusaders, and was received by them with enthusiastic expressions of joy. He immediately distributed presents with his accustomed prodigality, took into his service all who offered themselves, and ordered his battering engines to be erected against the walls. Though he was soon reduced to an extreme degree of weakness by an intermittent fever, his impatience led him to superintend the operations of his army; and in the intervals between the fits he was carried on a silk pallet to the trenches, and often discharged with his own hands the balistæ, which had been pointed against the enemy.[2] As he recovered, the siege was conducted with additional energy. Assaults were repeatedly made by the Christians on the fortress, by Saladin on the Christians, and in all instances without effect. The garrison, however, began to foresee the fate which awaited them. Their ranks were perpetually thinned, their defences were ruined, and no efforts of their friends had been able to raise the siege. With the permission of the soldan they offered to negotiate. Numerous proposals were alternately made and rejected, the Christians always insisting on the restoration of Jerusalem, and Saladin as often requiring their co-operation to repulse the sons of Nourredin, who had invaded his dominions to recover the patrimony of their father. At length it was agreed that Acre should be surrendered to the Christians, and that the Turks, as a ransom for their lives, should restore the holy cross, and set at liberty one thousand five hundred captives. For the performance of these conditions, a term of forty days was assigned, and some thousands of hostages were detained in the fortress. The Crusaders immediately took possession of the place, and Saladin removed his camp to a distance.[3]

This conquest was fondly received by the nations of Christendom as a prelude to the delivery of Jerusalem; but the public joy was soon damped by the news that the king of France intended to withdraw from the army. It was in vain that Richard, his own officers, and all the confederate chiefs, urged him to change his resolution. He was equally unmoved by their entreaties or their reproofs; and, hav-

[1] Vinesauf, 329. Trivet, 106. See also Hov. 394; Diceto, 661. Bohadin, the Arab historian, mentions this action, but reduces the number of the crew to 650, and ascribes the loss of the vessel to the despair of the captain, who ordered his men to cut holes in the hold, to prevent their falling into the hands of the Christians.—Bohad. 166. The Greek-fire was so called from being an invention of the Greeks. Its principal ingredients were naphtha, bitumen, and sulphur. It burst into a flame on exposure to the air, and burnt with a violence not to be easily subdued. It was perhaps from this circumstance that it was said to burn in water. Sand and vinegar were generally employed to extinguish it.—Vines. 274.

[2] In Vinesauf may be seen the description of the engines used in the siege. Quarrels or arrows were discharged from the balistæ, small stones from the mangonellæ, larger from the petrariæ. One of these is said to have killed twelve men at a single discharge. We also read of wooden towers moved towards the walls, of battering-rams, and of strong hurdles for the protection of the soldiers. All these, to preserve them from the Greek-fire, were covered with raw skins and coarse cloths sprinkled with vinegar. But the besieged frequently destroyed them, by first throwing a large quantity of dry fuel about them, and then kindling it with the Greek-fire. To preserve the engines from the stones discharged from the walls, loose nets made of cables were fixed upright before them.—Vines. 276, 282, 287, 333, 335.

[3] Vinesauf, 331—341. Hoved. 394—396. The conditions are mentioned by Richard in one of his letters.—Hov. 398.

ing sworn not to invade the territories of the king of England, he departed from Acre amidst the groans and imprecations of the spectators. Much, however, may be said in his justification. His health had been deeply impaired by a dangerous illness; of the year which he had spent in the expedition, more than one-half had been lost by the private quarrels of Richard in the islands of Sicily and Cyprus; since their junction under the walls of Acre, they had never cordially co-operated with each other; and such was the temper of the king of England, so aspiring and so passionate, that no alternative remained but submission to his caprice, or open hostility. In these circumstances, it was contended by the friends of Philip that he would advance the cause of the crusade by retiring from it. He left with the king ten thousand of his followers under the command of his vassal, the duke of Burgundy.[1]

The term fixed by the capitulation of Acre had nearly expired, and frequent messages were exchanged between Saladin and Richard. The soldan refused, under different pretexts, to execute the treaty, and the king declared that the hostages should pay the forfeit of his perfidy with their lives. In these wars neither party had been sparing of the blood of their captives, and the repeated exercise of vengeance had steeled the heart against the suggestions of pity. It was rumoured, probably without truth, that Saladin had put to death all his prisoners; and the soldiers, inflamed by the report, loudly demanded permission to revenge the fate of their comrades. The next was the last day fixed for the treaty. The hostages were led to the summit of a hill in sight of the Saracen camp; the Crusaders assembled in crowds to witness so glorious a spectacle; and at a signal given, two thousand seven hundred infidels fell under the swords of their butchers. At the same hour and for the same cause an almost equal number, the portion which had fallen to the lot of the king of France, were massacred on the walls of Acre by the troops under the duke of Burgundy. Out of five thousand captives only seven emirs were spared for the sake of exchange or ransom. Nor was this the end of the tragedy; the dead bodies were abandoned to the insults of the soldiers, who cut them open to discover the precious stones which it was believed they had swallowed, and carefully preserved the gall for medicinal purposes.[2]

After this bloody deed, which, inhuman as it was, seems not to have been contemplated with horror by either the Christians or Mohammedans of the age, Richard conducted his army, reduced to thirty thousand men, from Acre to Jaffa. It marched in five divisions, with the Knights Templars in front, and the Hospitallers in the rear. The stores and provisions, for greater security, were placed next the sea; near to them the cavalry, and without the cavalry the archers on foot, destined to keep with their arrows the enemy at a distance. In this manner they proceeded slowly along the shore in defiance of every attempt to impede their progress. Saladin encamped near them every night. In the morning he attacked them in front, flank, and rear, and daily continued the conflict till sunset. He had summoned reinforcements from every part of his empire, and as soon as these arrived, made a desperate attempt to

[1] Vinesauf, 344. Hoved. 397.

[2] Vinesauf, 346. Hoved. 397. Newbrig. iv. 23. Hoveden asserts that Saladin murdered his captives on the 18th, two days before Richard; Bohadin, that he did it afterwards (p. 187, 188). It is not probable that Hoveden's account is true, as such conduct was likely to procure the destruction of those whom the soldan was anxious to save. The king seems to have gloried in the massacre. Sicut *decuit*, fecimus expirare!—Hoved. 398.

crush at once the whole host of his enemies. At nine in the morning the kettle-drum was beaten: the Saracens rushed with their whole weight on the small mass of the Christians, and it required all the authority and exertions of Richard to prevent the dissolution of his army. The master of the Hospitallers, unable to bear the pressure, repeatedly solicited the order to charge, but the king, who looked to a decisive victory, deferred it till the last moment. At length the signal was given; the infantry opened for the passage of cavalry; the men at arms charged in different directions; and the enemy, unable to withstand their weight and impetuosity, after an obstinate resistance, fled to the mountains. Richard boasted that in the course of forty campaigns Saladin had never experienced so signal a defeat. Vinesauf makes his loss amount to seven thousand men, and twenty-two emirs.[1] His subsequent conduct showed that it had taught him to respect the valour of the Crusaders. He no longer harassed their march, but laid waste the country, and dismantled the places before them. The Christians proceeded to Jaffa, rebuilt its walls, and fortified the castles in the neighbourhood.

To recover from the infidels the sacred spot in which the body of Christ had been buried, was the professed object of the Crusaders; and to keep it fresh in their memory, these words, "the holy sepulchre," were proclaimed thrice every evening by the voice of a herald throughout the camp. Richard concealed his sentiments from his associates; but he had now learned to doubt of the success of the enterprise, and in his letters to Europe most earnestly solicited supplies of both men and money.[2] Still, with these impressions on his mind, he did not hesitate to lead the army towards the city. He even reached Ramla and Bethania, places within a short distance of Jerusalem; but the weather became rainy and tempestuous, a dearth of provisions was felt, sickness spread itself through the ranks, and many in despair abandoned the expedition. It was evident that he must either return to Jaffa, or instantly make the hopeless attempt of carrying by storm a place strongly fortified, and defended by an army more numerous than his own. The king for once listened to the suggestions of prudence, and bent his march back to the coast.[3]

The want of union was the chief misfortune of the Crusaders. Instead of forming one great body, moveable at the will of a single individual, they were so many spontaneous, and therefore independent, warriors, who served any chief whom they chose, and for as short a time as they pleased. The king of England, indeed, from his superior rank, held the nominal command; but he was compelled to communicate all his plans to his associates, who often opposed them, sometimes through private pique or national jealousy, sometimes through personal interest or difference of opinion; and he soon discovered that to keep the Crusaders together, and procure their co-operation, was a more difficult task than to counteract the designs, or defeat the armies of Saladin. One great subject of dissension was the rival claim of Guy of Lusignan and Conrad of Montferrat. After a long struggle, Richard, to restore unanimity, consented to abandon the cause of Guy; and immediately afterwards Conrad was assassinated in the streets of Tyre. If the king's former dispute with that prince seemed to counte-

[1] See the king's letter in Hoveden (398), and Vinesauf (360).

[2] Hoved. 398.

[3] Vinesauf, 369—374. Hoved. 407.

RICHARD I. REFUSES TO LOOK ON THE HOLY CITY, SINCE HE CANNOT DELIVER IT FROM THE INFIDELS

nance the report that he was privy to the murder, his solemn denial, personal character, and the want of evidence, should clear him from the imputation. His nephew, Henry of Champagne, married the relict of Conrad, and with her received her claim to the imaginary crown of Jerusalem. Richard acquiesced; and to indemnify Lusignan, gave him the island of Cyprus.[1]

The election of Henry seemed to have reconciled the jarring interests of the Crusaders, who now demanded with one voice to march again towards Jerusalem. It was known that the king had received the most pressing solicitations to return to his own dominions; but he resolved to share the glory of liberating the Holy City, and by proclamation declared his intention of remaining in Palestine another year. With alacrity he led the army to Bethania; and then, with Jerusalem before his eyes, recommended the selection of twenty councillors, who should decide upon oath whether it were better to besiege that capital, or Cairo, the capital of Egypt, from which Saladin principally drew his supplies. To the astonishment of all men, they preferred the latter of these projects; and the king, after performing some splendid feats of arms, returned to Acre, notwithstanding the murmurs and remonstrances of his followers. The duke of Burgundy composed a song, in which he severely censured this vacillating conduct of Richard, who to revenge himself, wrote a satire, or procured one to be written, on the personal vices of his opponent.[2]

The retreat of the Christians did not escape the vigilance of Saladin. Descending from Jerusalem, he burst into the town of Jaffa, and drove the inhabitants into the citadel, who gave hostages for the surrender of the place, if it were not relieved by a certain hour. At the first intelligence of the event, Richard ordered the army to march by land, while he, with seven galleys, should hasten by sea to the aid of the Christians. He found the beach lined with enemies to oppose his landing. His friends advised him to defer the attempt till the arrival of the army; but at the moment, a priest swam to the royal galley, and to the question which was put to him, replied, that many of the inhabitants had been massacred, but that many still defended their lives from one of the towers. "Then," exclaimed the king, "cursed be the man who refuses to follow me." He plunged into the water; his companions imitated his example; the Saracens, awed by his intrepidity, retired at his approach, and the city was cleared of the enemy. But Richard disdained to be confined within the walls, and by his order a small army of the Christians, consisting of fifty-five knights, of whom ten only were mounted, and two thousand infantry, encamped boldly without one of the gates. Early in the morning the king was informed of the approach of the enemy. He ordered his lancers to rest on one knee, while each man with a buckler on his left arm should cover his body, and with his right should direct the point of his lance, the other extremity of which was firmly fixed in the

[1] Vinesauf, 377—392. Hoved. 407. Newbrig. iv. 23, 24, 25. Guy's posterity possessed Cyprus till 1458. The Venetians obtained it after the death of John the Third, in right of Catherine Cornaro, a Venetian Lady, who married James, an illegitimate son of that prince. At the same time Charlotte, the legitimate daughter of John, made over her right to Charles, duke of Savoy, whose uncle she had married. Since 1633 the dukes of Savoy have taken the titles of kings of Cyprus.

[2] Vinesauf, 397—409. Hoveden attributes the retreat to the French, who, in opposition to Richard, refused to attack Jerusalem (408). I prefer the more circumstantial account of Vinesauf, who was present.

ground. Among them he distributed the balistæ, with two archers to each, of whom one bent the bow, the other discharged the arrows. The Saracen cavalry, in seven divisions, made as many attempts to break through the line. Each charge was unsuccessful, and attended with considerable loss. Richard, observing their confusion, rushed with his knights into the midst of their squadrons, where he performed prodigies of valour. He was seen by Saphaeddin, the brother of the soldan, who had lately solicited from him the honour of knighthood for his son, and who now sent him during the action a present of two Arabian horses. On one of these the king continued the conflict till night. It was thought that on this day he had surpassed his former renown. He vanquished every champion that dared to oppose him; he liberated from their captors the earl of Essex and Ralf of Malleon, who had been unhorsed; he extricated himself from a host of Saracens, who had surrounded him, and impressed the enemy with so much terror or admiration, that wherever he charged, they retired from his approach. The siege was raised; but the king's exertions had brought on a fever, which undermined his strength, and he condescended to ask for an armistice through the mediation of Saphaeddin. It was concluded for three years. The soldan insisted on the destruction of Ascalon, and in return granted to the pilgrims free access to the holy sepulchre.

Thus terminated the crusade. If Jerusalem could have been won by personal strength and bravery, it might have been won by Richard. His exploits, so superior to those of his fellows, threw a splendour around him, which endeared him to the Christians, and extorted the admiration of the infidels. But the little influence which they had on the issue of the expedition will justify a doubt whether he possessed the talents of a general. He seems to have been content with the glory, without the advantages of victory; his fickleness prevented him from pursuing for any time the same object; and his passionate temper made him fitter to promote dissension, than to procure unanimity among his associates. As soon as his health would permit, he paid his debts, satisfied the claims of his followers, and sailed from Acre. The next morning he turned to take a last view of the shore, and with outstretched arms exclaimed: "Most holy land, I commend thee to the care of the Almighty. May he grant me life to return and rescue thee from the yoke of the infidels!"[2] His fleet, with his wife, sister, and the princess of Cyprus on board, had sailed some days before, and reached Sicily without any accident. The king followed in a single ship, and took a different course; but his progress was often retarded by contrary winds, and a month had elapsed before he reached the isle of Corfu. Here he hired three coasting vessels to carry him and his suite, consisting of twenty persons, to Ragusa and Zara. What route he meant afterwards to pursue, is uncertain; but he was aware that the king of France had confederated with his brother John to dispossess him of his dominions; that Henry, the emperor of Germany, the rightful heir to Sicily, was irritated by his league with Tancred;[4] and that

[1] Vinesauf, 410—422. Trivet, 118—122.
[2] Vinesauf, 428.
[3] His sister, the queen of Sicily, was afterwards married to the count of St. Giles.—Hoved. 436.

[4] He had married Constantia, the true heir at the death of King William, her brother, and had prepared to assert her right, at the time that Richard made the league offensive and defensive with Tan-

many princes, the relations of Conrad, had professed themselves hostile to him, as the supposed murderer of that nobleman. Hence, as he had assumed the garb of a pilgrim, and sought to disguise himself by the length of his beard and hair, it is probable that he hoped to cross the continent unknown, and to elude by artifice the snares of his enemies. However that may be, he was driven by a storm on the coast of Istria, between Aquileia and Venice, and proceeded towards Goritz, the residence of Maynard, a nephew of Conrad. One of his pages appeared before that chieftain with the present of a valuable ruby, and solicited a passport for Baldwin of Bethune, and Hugh, the merchant, pilgrims returning from Jerusalem. "The present," he exclaimed, "is the present of a prince. He must be King Richard. Tell him he may come to me in peace." The pretended pilgrim, however, was suspicious of danger, and having bought horses, fled in the night. Baldwin and seven others remained, and were seized by Maynard, who immediately sent a messenger with the information to his brother, Frederic of Betesow. The king had reached Freisach, when he was discovered by a Norman knight in the service of Frederic; but mindful of his duty to his native sovereign, the knight warned him of his danger, and endeavoured to conceal his arrival. Though six of his companions were taken, Richard escaped with one knight and a boy acquainted with the language. They travelled three days and nights without entering a house, or purchasing provisions, and found themselves on the fourth day at Erperg, in the neighbourhood of Vienna. The boy was sent to market. By the display of his money he excited curiosity; but he eluded every inquiry by answering that his master was a rich merchant who would arrive in three days. Richard, though aware of his danger, was too weak to prosecute his journey. The boy was again sent to market, was seized and put to the torture; and at last revealed the name and retreat of the king. When Richard saw his house surrounded by armed men, he drew his sword, and refused to yield to any one but their chieftain. That chieftain immediately appeared, Leopold, duke of Austria; the same Leopold whom he had treated with the most cruel insult in the town of Acre, and who, as brother-in-law to Isaac, conceived himself entitled to revenge the wrongs of that unfortunate monarch. He received the king's sword, and committed him to the care of a baron named Hadmar, to be closely confined in the castle of Tyernsteign.[1]

It is now time to return to England, which during the absence of the monarch had been impoverished by the rapacity of his minister, and harassed by the ambition of his brother. The king had intrusted the reins of government to William de Longchamp, a Norman of obscure birth, who, in Henry's reign, had passed to the service of Richard from that of Geoffrey, the son of Rosamond. His talents and industry were quickly rewarded with the esteem of his new master; nor was his immorality an obstacle to promotion in the court of a prince who was actually in arms against his father. When Richard

cred, and agreed to marry his nephew to Tancred's daughter. Within a fortnight after the king's departure from Messina, Henry entered Campania, and proceeded as far as Naples, where the neat and sickness almost destroyed his army. Hence arose the enmity of the emperor to Richard.

[1] Compare Hoveden (408), Newbrigensis (iv. 31), Wendover (iii. 66), and Matthew Paris (143, 144) with the emperor's letter in Rymer, i. 69.

succeeded to the throne, preferments poured quickly upon the favourite. He was made chancellor, then bishop of Ely, next justiciary, at first jointly with the bishop of Durham, afterwards without a colleague, and lastly, at the king's urgent request, papal legate in England and Scotland. Thus during Richard's absence, he found himself placed at the head of both church and state; and if we may believe the contemporary writers (though their testimony, as that of enemies, should be received with caution),[1] he exercised in the most despotic manner this twofold authority. He is said to have been haughty and insolent, rapacious and prodigal; oppressing the laity with fines, ruining the clergy with exactions, and enforcing submission to his will by the severity and promptitude of his vengeance. He affected the parade of royalty; was always accompanied by a guard of one thousand horsemen; and as the king's castles were in his possession, could at a short notice collect from his garrisons a formidable army.[2] Such a man must have had as many enemies as there were persons whom he had aggrieved by his tyranny, or mortified by his superiority. Of these, the greater part he despised, secure of the protection, as long as he could supply the coffers, of his master. There was one whom he feared, John, the king's brother, as unprincipled and ambitious as himself. In the former crusades few of the pilgrims, either plebeians or princes, had ever returned to their homes. John had calculated the chances, and in the event of the king's death, had determined to seize the sceptre. There was indeed a child, who had a better right to the succession, Arthur, the son of his elder brother Geoffrey; but, as the claim of the nearest heir had been overlooked on other occasions, the claim of Arthur might be overlooked at the death of Richard. Richard, however, favoured the interests of his nephew; and in his treaty with Tancred, king of Sicily, and his letters to the pope, declared the young prince the apparent heir to the throne. At the same time, to defeat his brother's projects, he commissioned the chancellor to open a negotiation with the king of Scotland, and to engage his powerful aid in support, if it should be necessary, of the pretensions of Arthur. But the secret could not be concealed from the spies, whom John had placed round the king at Messina; and the moment it was communicated to him, he resolved to remove the chancellor, as the most formidable obstacle to his ambition.[3]

The first attempt failed. When Walter, archbishop of Rouen, arrived from Sicily, he was said to be the bearer of an instrument under the royal seal, ordering a council to be formed, without the advice and concurrence of which Longchamp was forbidden to act. Such a council, as the individuals appointed to compose it were his personal enemies, would in fact have put an end to his authority. It may be doubted whether this instrument was genuine or supposititious; certain at least it is, that if it were obtained from the king, it was judged prudent to suppress it. It did not creep from its concealment till a year later, when a royal order was wanting

[1] Peter of Blois says of him that he was vir sapiens, amabilis, generosus, benignus et mitis, et in omnes liberalitates effusus.—Hoved. 401.

[2] Hoved. 389. Girald. Camb. in Ang. Sac. ii. 405, 406. Newbrig. iv. 14.

[3] It was pretended that the chancellor's object in the negotiation with Scotland was to perpetuate his power by the succession of a minor; but that he only executed the orders of Richard, as he asserted, appears probable from the king's declaration that Arthur was his heir (Hoved. 385, 386), and from the confidence which he put in the honour of the king of Scots.—Hoved. 411.

to justify the forcible removal of the minister.[1]

The second attempt weakened, though it did not overturn, the power of Longchamp. For some offence, real or pretended, he had condemned Gerard de Camville to lose the shrievalty, with the custody of the castle of Lincoln; but while he besieged that fortress, John, at the head of a numerous army, surprised the royal castles of Nottingham and Tickhill. The chancellor was taken unawares; finding himself unequal to the contest, he offered to negotiate; and after the rejection of several proposals, it was mutually agreed, that a certain number of the king's castles should be placed in the custody of different barons, who should be sworn to preserve them for the king during his life, and to deliver them to John in the event of the king's death. By this arrangement the prince gained one important step towards the object of his ambition, while the chancellor was still allowed to retain the exercise of the royal authority.[2]

This quarrel was succeeded by another, still more disastrous to Longchamp. Geoffrey, the king's natural brother, had been appointed to the archiepiscopal see of York; but Richard, though he had remitted his displeasure against the new prelate in consideration of a large sum of money, compelled him to swear that he would continue to reside on the continent, and at the same time forbade every archbishop in his dominions to give him consecration. In defiance, however, of this prohibition, he was consecrated in virtue of a papal mandate by the archbishop of Tours; and in contempt of his oath he hastened to England to obtain the possession of his church. The chancellor, who at a distance watched all his motions, had given orders, that on his arrival he should be required to take an oath of allegiance, or to quit the kingdom immediately. Geoffrey eluded the officers; took refuge in the church of St. Martin; and when the requisition was made, haughtily replied that he should never submit to the orders of that traitor, the bishop of Ely.[3] For three days his asylum was respected; on the fourth he was conveyed by force to the castle of Dover. At the solicitation of the bishop of London, who gave security that he should do whatever the barons and prelates should declare it was his duty to do, Longchamp allowed him to be released, and to repair to the capital.

The news of this event was received with pleasure by John and his party. That prince, who had hitherto regarded his illegitimate brother as an enemy, now pretended to feel for him the most tender affection. He wrote to all the bishops and barons to assemble at Reading; while Longchamp by other letters forbade them to accept the invitation of a prince whose object it was to disinherit his sovereign. The assembly, however, was held; John and Geoffrey met, wept, and embraced; and the latter on his knees besought his fellow peers to avenge the insult which had been offered in his person to the immunities of the church and the right of asylum. Two very suspicious papers were produced and read, both purporting to be letters from Richard, the one, as has been already noticed, forming a council of regency, with the archbishop of Rouen as president, the other absolving Geoffrey from his oath and allowing him to visit his diocese. The chancellor had engaged to appear before them. He had even collected a formidable army; but distrust and terror induced him to flee from

[1] Hoved. 391. Diceto, 659.
[2] Hoved. 398.

[3] He had formerly done homage to Geoffrey.—Ang. Sac. ii. 39.

Windsor to London, where he exhorted the citizens to shut their gates against the king's enemies; and, finding them disinclined to obey, retired into the Tower. He was followed to the capital by his pursuers, who obtained admission on taking an oath to be faithful to Richard, and to maintain the franchises of the city. Longchamp, in a council held at St. Paul's, was condemned to resign the office of justiciary, to surrender all the royal castles but three, and to give security that he would not leave the kingdom till he had fulfilled these conditions.[1] He had not been present; but the next morning he met his accusers in a field to the east of the city. The citizens mustered in a circle round the lords, and ten thousand spectators are said to have assembled behind them. A long time was spent in altercation. The chancellor defended himself with vigour. He had been a faithful servant to his sovereign; he was ready to account for every penny of the king's revenue. Still he would submit to their judgment of the preceding day; not that he meant to resign any office intrusted to him by his royal master, but because it was useless to resist the power which was arrayed against him. He retired to Dover castle, one of the three castles reserved for him. Thence he attempted to escape to the continent in the disguise of a monk, but was discovered and brought back. He next put on female attire, and proceeded to the beach with a web of cloth under one arm, and a measure under the other. But his unusual gait provoked suspicion; on nearer inspection his beard betrayed him; and the women of the place loaded him with insults, till the officers rescued him from their fury, and conveyed him to prison. John was inclined to make him drink of humiliation still more deeply; but at the entreaty of the bishops he allowed him to cross the sea, and appointed the archbishop of Rouen grand justiciary, and vice-chancellor in his place.[2]

Longchamp made an attempt to recover his lost authority. By valuable presents and professions of attachment, he procured from John the strongest assurances of protection, and by his messengers to the court of Rome received a renewal of his legatine powers, which had expired at the death of the pontiff from whom he had originally derived them. Elated with his prospect, he despatched to England sentences of excommunication against the most violent of his adversaries, and summoned the rest to appear before his tribunal. But these acts of authority were despised, under the plea that a legate could exercise no jurisdiction till he had entered his province; and when he landed in England he met with so little countenance from John, and received from the council of regency a message so threatening, that he deemed it most prudent to retire to Normandy, and to wait with patience the return of his sovereign.[3]

Such was the state of England when the news arrived of Richard's departure from Acre. The people, by whom with all his vices he was beloved on account of his valour, were eager to behold the champion of the cross; but week after week the public expectation was alternately roused and disappointed. Rumours the most sinister and improbable had

[1] Hov. 339. Diceto, 660. Gervase, 1577. Ang. Sac. ii. 390—399. Ric. Div. 41, 42.

[2] Gerv. 1578. The ridiculous stories related by Hugh of Coventry (Hoved. 400), and transcribed from him by Giraldus (Ang. Sac. ii. 401), deserve no credit. Peter of Blois wrote a very severe letter to Hugh on the occasion.—Hoved. 401.

[3] Hoved. 402, 409. Ang. Sac. ii. 402.

begun to prevail, when the secret of his detention was revealed by the copy of a letter to the king of France from Henry VI., the emperor of Germany. This imperial speculator, for the sum of sixty thousand pounds, had purchased the royal captive from Leopold; and "the enemy of the empire and disturber of France," to use his words, was now lodged in chains in one of the castles of the Tyrol, surrounded by trusty guards, who with their naked swords attended him by day, and watched at his bed-side by night. This intelligence seems to have electrified all Europe. If the king's enemies (and by his arrogance he had created himself enemies) rejoiced at his disgrace, the clergy and people, all who had admired the prodigies of his valour, or sighed for the deliverance of Palestine, lamented his misfortune, and loudly invoked in his favour the interference of the Vatican. In England his subjects renewed their oaths of allegiance; the bishops and prelates assembled at Oxford, and sent deputies to give him advice and consolation; and Eleanor by repeated complaints induced Pope Celestine to pronounce the sentences of excommunication and interdict against Leopold, and to threaten similar measures against Henry, unless he immediately liberated his captive.[1] There was, however, one man, who openly rejoiced at the intelligence, John, the king's brother, who repaired in haste to Paris, surrendered to Philip some portions of Normandy, did him homage for the rest of Richard's continental possessions, and returning to England, assembled an army to contend for the crown. But as the king observed, "John was not a man to succeed by force, when force was opposed to him," Though the fidelity of the grand justiciary was doubtful, the prelates and barons unfurled the royal standard; an armament of foreign mercenaries was repulsed from the coast; and the pusillanimous usurper consented to an armistice, that he might form new plans, and watch the course of events. At the same time his confederate, the king of France, having sent a messenger to Richard to give him back his homage, entered Normandy with a powerful army. Several fortresses yielded through fear or treachery; but Rouen, the capital, was saved by the exertions of the earl of Essex, who had lately returned from the Holy Land. He harangued the citizens; pointed their indignation against the perfidy of the man who had turned his back to the infidels and animated their patriotism by the prospect of the desolation around them. They courageously repelled the enemy. Even the women mounted the walls, and poured boiling pitch on the heads of the assailants. Philip's military engines were burnt; and the garrison boldly threw open the gates, and invited him to advance if he dared. He preferred to retire, and his departure gave a short pause to the horrors of war.[2]

Longchamp, the chancellor, who still remained in exile, was the first to discover the prison of his sovereign. By repeated solicitations he obtained permission of Henry to conduct Richard to the diet at Hagenau. Before this august but incompetent tribunal the king listened to the accusations against him, that he had confederated with Tancred to oppose the right of the emperor to the crown of Sicily; that he had unjustly seized the kingdom of Cyprus; that he had

[1] Hoved. 410. Rym. i. 72—78. Pet. Bles. ep. 145, et seq.

[2] Hoved. 411—413. Newbrig. iv. 32. Rym. i. 85. Gerv 1581

hired assassins to murder the marquess of Montferrat;[1] and that he had treated with insult the German nation at the siege of Acre. His manly and persuasive defence was received by the princes of the diet with applause and commiseration. Even the cold-hearted Henry appeared to relent. He ordered the king's chains to be struck off; showed him the respect due to a crowned head; and consented to treat about the amount of his ransom.[2]

The prospect of liberty revived the spirits of Richard, who despatched the chancellor to England with a letter to the council of regency. By their orders a tax of twenty shillings was imposed on every knight's fee; the plate of the churches was sold or redeemed; one fourth of every man's income was extorted from the clergy and laity; and all were required to make the king such presents as might deserve his gratitude. But, whether it were owing to the poverty of the nation, or to the peculation of the officers, the amount fell short of the sum at which it had been computed; and to supply the deficiency a second and even a third collection was made, in despite of the murmurs and discontent of the people. In the mean time Henry was slow to conclude the bargain, as long as it remained in his power to make it more profitable. The negotiation was suspended, and renewed, and protracted; and five months elapsed before the terms could be finally adjusted. These were, that Richard should pay one hundred thousand marks for his ransom; should restore Isaac, the late emperor of Cyprus, to his liberty, but not to his dominions; and should deliver the captive daughter of Isaac to the care of her uncle, the duke of Austria. Henry in return engaged to set the king at liberty on the receipt of the money; to aid him against all his enemies; and to invest him with the feudal sovereignty of the kingdom of Provence, an obsolete right, which the emperors had long claimed but had not the power to enforce.[3] A distant day was assigned for the performance of these conditions. Eleanor, and the archbishop of Rouen, who had resigned the administration to Hubert, archbishop of Canterbury, joined the royal captive; and Richard, to bind the emperor more firmly to his interests, adopted the strange expedient advised by his mother. In an assembly of the German princes and English envoys, by the delivery of the cap from his head, he resigned his crown into the hands of Henry; who restored it to him again to be held as a fief of the empire with the obligation of a yearly payment of five thousand pounds.[4] Still no reliance could be placed on the faith of the German, to whose rapacity a more tempting bait was offered by John and the French monarch. On condition that he would detain Richard in captivity, they promised to secure to him a larger sum than had been fixed for the king's ransom, or to pay him at the

[1] To repel this charge a letter was produced from the sheik or old man of the mountain, the chief of the Hassassins, who declared that *he* had procured the murder of Conrad in revenge of the injustice offered by that nobleman to some of his subjects.—Rym. i. 71. I am not convinced that the objection drawn from the date will show this instrument to be a forgery. But if it be genuine, it will prove of little service to the cause of Richard. No great credit can be given to the testimony of a man who acknowledges himself to be a murderer by profession.

[2] Hoved. 413. Newbrig. iv. 33.

[3] Hoved. 414, 416. Newbrig. iv. 38. Gerv. 1584.

[4] This extraordinary transaction is related on the best authority, that of Hoveden (p. 412), whose testimony seems to be confirmed by the fact, that on Henry's death, Richard was summoned, like any other of the princes of the empire, to vote for a king of the Romans. He sent deputies, but wisely resolved not to trust his person in Germany a second time.—Hoved. 441. It is, however, possible that he may have been summoned as king of Provence.

rate of twenty thousand pounds for every month of imprisonment. Henry could not resist so tempting an offer. He had even the effrontery to communicate it to Richard; but the German princes, who had become sureties for the release of the English monarch, upbraided their emperor with his venality, and compelled him to relinquish his prey. More than seventy thousand marks were received on the spot, and hostages given for the payment of the remainder.[1] The king hastily descended the Rhine as far as Cologne, the archbishop of which city conducted him to the port of Antwerp. Here he embarked on board his own fleet. Four days were consumed in the intricate navigation of the river; during five more he was detained by contrary winds in the harbour of Swyne, opposite to the isle of Cadsand; at length he landed at Sandwich, amidst the acclamations of his subjects, after an absence of more than four years.[2]

Though Richard now breathed the air of liberty, his heart could not be at ease till he had chastised the perfidy of the French monarch. Two short months were all that he could spare to his English subjects; and these were employed, not in repairing the evils caused by his absence, but in devising means to extort more money from those who had been already impoverished by the amount of his ransom. In England he had no longer an enemy; John's castles of Marlborough, Lancaster, and St. Michael's had previously yielded to the king's officers; and those of Tickhill and Nottingham surrendered as soon as his return had been ascertained. In Nottingham was held a great council of the realm, consisting of fifteen spiritual and temporal peers, with Eleanor, the queen mother. On the first day Richard took from several individuals the offices which they held under the crown, and sold them to the best bidder. The terms which he proposed, were the payment of a considerable fine in the first instance, and an annual rent for the future. The next day he accused of treason his brother John, and the confidential adviser of that prince, Hugh, bishop of Coventry. They were ordered to appear and plead to the charge within forty days, under the following penalties. The prelate, inasmuch as he was a sheriff, was to be at the king's mercy; inasmuch as he was a bishop, to be judged by the church. John was to be outlawed, and to forfeit all his lands, goods, and chattels. Neither of them obeyed the summons, though it was thrice repeated at the distance of forty days; and then, as John held lands in Normandy, and was actually in France, three peers hastened to the court of his sovereign lord, the French king, to repeat the accusation, and to demand judgment against him for contumacy.[3] On the third day of the council, a tax of two shillings was imposed on every carucate of land; and the military tenants of the crown were required to accompany the king into Normandy after the rate of one third of the service to which they were bound by their tenures. The last day was employed in discussing the extraordinary question, whether it was necessary that the king should be crowned again. In opposition to his opinion, it was decided in the affirmative; and the ceremony was performed at Winchester, by Hubert, archbishop of Canterbury.[4]

Richard now hastened to join his

[1] 10,000 more were afterwards paid. The emperor, terrified by the menaces of the pope, remitted 17,000, to enable Richard, as he pretended, to oppose their common enemy, the king of France.—Hoved. 431. Diceto, 672, 673.

[2] Hoved. 417, 418. Diceto, 672. Gerv. 1586.

[3] Hoved. 419. Annal. de Margan. 12.

[4] Hoved. 419, 420. Gervase, 1586.

army at Portsmouth; the wind was adverse; but his impatience scorned the advice and warning of the mariners. He set sail; the night proved dark and tempestuous; and the next morning he was happy to escape from the danger by returning into the harbour. After a tedious delay of a fortnight he reached Normandy, and on his landing was met by his brother John. That prince, whose pusillanimity was equal to his ambition, implored on his knees the forgiveness of a sovereign whom he had so cruelly offended. But he had secured a powerful intercessor in the queen-mother; at whose request Richard received him into favour, though he sternly refused to restore to him either his lands or his castles.[1]

It would weary the patience of the reader to lead him through a long and languid detail of military actions, which have ceased to be interesting. The finances of Philip, as well as those of Richard, were exhausted; and both kings were compelled to conduct their operations on too petty a scale to produce important results. From mere lassitude and impotence they often consented to an armistice; and as often, on pretence of some real or imaginary offence, broke their word and rushed again to arms. At each repetition their passions grew more inflamed; the spirit of retaliation urged them to new cruelties; and at last each party frequently put out the eyes, instead of accepting the ransom, of their prisoners.[2] Yet so equally balanced were their powers of mischief, that, after six years of desultory and sanguinary warfare, it would have been difficult to determine whose fortune had preponderated. The most brilliant action during the contest was fought between Gisors and Courcelles. Philip had marched from Mantes with three hundred knights, their esquires, and a large body of cavalry. It was his intention to raise the siege of Courcelles; but Courcelles had already surrendered, and he was met by Richard on the road to Gisors. After a sharp engagement, the French fled to that fortress; the bridge broke under the weight of the fugitives; and the king, with twenty knights, all in armour, was precipitated into the river Epte. The rest perished. Philip was extricated with difficulty, and owed his safety to the devotion of his followers, who gallantly turned on the pursuers, and renewed the battle till all were either taken or slain. Forty barons, one hundred knights, and a hundred and forty chargers, covered with armour, were the reward of the victors. Richard, in a circular letter, communicated the news to his friends in England; and boasted with scornful complacency that he had made the king of France drink of the waters of the Epte.[3]

Before this the fortune of war had supplied him with a still more pleasing opportunity of gratifying his resentment. Philip, bishop of Beauvais, under the pretence that he had to support the character of a count as well as a bishop, had indulged his martial disposition, fought at the head of his retainers, and acquired the reputation of a bold and fortunate warrior. It chanced, however, that in a skirmish under the walls of Beauvais he was taken by Marchadee, the commander of the king's mercenaries. A more acceptable present could not have been offered to Richard. It was to the influence of this prelate, then

[1] Hoved. 421. Matt. Paris, 147.

[2] Hoved. 445. Philip had proposed that the quarrel between them should be decided by five champions on each side. Richard sarcastically answered that he could have no objection, if the king of France and himself were to be two of the number.—Diceto, 676.

[3] Hoved. 444. Diceto, 704. Par. 162. Rym. i. 96.

the French envoy to the court of the emperor Henry, that the English prince attributed the most galling of the indignities which he was compelled to bear in his captivity, that of being put in chains like a criminal. Philip was immediately thrown into a dungeon in the castle of Rouen, and loaded with fetters of iron, as heavy as his strength could support. In despair of softening the king, he had recourse to the authority of the pontiff, from whom he received a severe, but merited reproof. He had, said Celestine, put on the helmet instead of the mitre, and neglected the duties of his station to mix in the fray of battle. And what added to his offence, he had fought against the champion of the cross, who sought only to recover his own; and in favour of a recreant prince, who, in violation of his oath, had invaded the property of another. Such misconduct rendered him unworthy of the protection of the church, or the interposition of the Holy See. He might intercede for him as a friend; he could not employ authority as a pontiff. Richard soon afterwards received a letter, in which Celestine desired him to pity "his dear son, the bishop of Beauvais;" and in return sent to the pontiff that prelate's coat of mail, with the following scroll attached to it:—"*Look if this be the coat of thy son or not.*" "No," replied the pope, with a smile, "it is the coat of a son of Mars. Let Mars deliver him, if he can." Even the king's necessities could not subdue his resentment. He refused a ransom of ten thousand marks; nor did the bishop of Beauvais recover his liberty till Richard was laid in the grave.[1]

If England, during these quarrels, was spared the ravages, it was compelled to support the expense of the war. Richard seemed to consider it as an appendage to his transmarine dominions, valuable only in proportion to the revenue which he could derive from it. To raise money became the principal duty of the justiciary, who acted as regent in the king's absence; and from the accounts of Archbishop Hubert we learn that he transmitted to the king, in the short space of two years, the enormous sum of eleven hundred thousand pounds. The reader perhaps will not be displeased to learn by what expedients this money had been raised. 1. Before his departure for Palestine the king had sold many of the lands and offices belonging to the crown. These were resumed; and to palliate the injustice of the measure, it was pretended that the purchasers had been indemnified by the profits which they had made in the interval.[2] 2. The tax of two shillings on every carucate of land, imposed in the council at Nottingham, had been afterwards increased to five. The caracute was fixed at one hundred acres, and commissioners were appointed to inquire upon oath, and to enrol the number of such carucates, with the names of the proprietors in every hundred or wapentake. To insure payment, the lord was authorized to distrain his tenant; and if any deficiency remained, the sheriff was ordered to make it good by levying distress on the demesne lands of the lord.[3] 3. Tournaments had been introduced into England in the turbulent reign of Stephen, and prohibited by the policy of his successor. Richard revived them, on the plea that they were necessary to teach the use of arms, and to fit the rising generation for the defence of their country.

[1] Hoved. 437, 438. Diceto, 704. Par. 153. Newbrig. v. 30. John released him on the payment of 2,000 marks.—Hoved. 452.

[2] Hoved. 420. Brompt. 1259.

[3] Hoved. 442.

But these patriotic views were in reality prompted by avarice: before any individual could partake of such martial sports a royal license was requisite; and its price was duly fixed at the rate of twenty marks for an earl, ten for a baron, four for a knight with, and two for a knight without, land.[1] 4. Richard broke the great seal, ordered a new one to be made, and declared by proclamation that no grant under the former should be leemed valid in courts of law. The consequence was, that the holders of such grants were compelled to exhibit them in the office of the chancellor, and to pay the usual fees a second time.[2] 5. The institution of itinerant justices was resumed or continued; but their instructions were improved by such additions as circumstances suggested.[3] They were to consider the king as succeeding in the place of the Jews who had been killed in the first year of his reign, and to require fines from their murderers, and payment from their debtors; they were to annul all grants which had been made by Prince John, and to receive all moneys that were due to him; they were to inquire into the state of all wardships and escheats, the real value of all the lands, and the quantity of stock on each farm; they were to impose tallages on the cities, burghs, and ancient demesnes of the crown; and to exact the payment of all arrears from those who had promised to contribute towards the king's ransom.[4] "By these and similar inquisitions," says a contemporary writer, "England was reduced to poverty from one sea to the other."[5]

To exactions so frequent and so vexatious men did not submit without murmuring; and a factious demagogue in the city of London improved the opportunity to direct the public discontent against the higher classes in society. William Fitz-Osbert, equally distinguished by the length of his beard, and the vehemence of his eloquence, professed himself "the advocate of the people," but at the same time was careful to flatter the wishes of the prince. He did not deny that the war was just and necessary, or that the nation was bound to furnish supplies to the sovereign; but he contended that the rich and powerful among the citizens contrived means to shift the burden from their own shoulders, and to impose it on those who were the least able to bear it. He crossed the sea to lay his sentiments before the king, by whom he was not unfavourably received; returned in haste to London, and by inflammatory harangues from St. Paul's cross, threw the whole city into a ferment. Associations were formed; fifty-two thousand persons bound themselves to obey the orders of their "advocate;" and the more wealthy inhabitants trembled for their lives or fortunes. Archbishop Hubert thought it his duty to oppose the demagogue: and in a meeting of the citizens, by his mild and persuasive eloquence, induced them to give him hostages as securities that

[1] Hoved. 424. Newbrig. v. 4. Diceto, 676. According to this writer the exercise of tournaments taught the knights to behave with greater courtesy to their captives, and to release them frequently on their parole. —Ibid.

[2] Hoved. 446.

[3] The juries to try pleas of the crown appear now to have regularly consisted of twelve persons. The judges appointed two knights in each county, whose office it was to select two others from each hundred in the county. The latter added ten free and lawful men from the neighbourhood to their own number, and thus formed a jury of twelve for their particular hundred.—Hoved. 423.

[4] They were to value stock in the following manner:—an ox, cow, or draught horse, at 4s., a sow or boar at twelve-pence, a sheep with fine wool at tenpence, with coarse wool at sixpence.—Hoved. 424.

[5] His et aliis vexationibus, sive juste sive injuste, tota Anglia à mari usque ad mare redacta est ad inopiam.—Hoved. 445. See also 423, 446.

they would keep the king's peace. Fitz-Osbert now saw the storm that was gathering. With an axe he clove the head of the officer sent to arrest him, and fleeing to the church of St. Mary le Bow, fortified the tower against his opponents. But the people, separated from their leader, remained quiet; on the fourth day, the church, by design or accident, was set on fire, and Fitz-Osbert, as he attempted to escape in the confusion, was stabbed in the body by the son of the officer whom he had murdered. The wound did not produce instant death; he was hastily tried, condemned, dragged at the tail of a horse to "the elms" at Tyburn, and hanged in chains with nine of his followers. His friends pronounced him a martyr; and a report was spread that miracles had been wrought at his grave. Some examples of severity dispersed the enthusiasts that collected around it; and in a few weeks the doctrines and the name of Fitz-Osbert were forgotten.[1] His fate, however, left in the estimation of many a foul blot on the character of Hubert, for during the contest the right of sanctuary had been violated, and that by the order of him whose duty it was to maintain the immunities of the church. This with his other demerits, real or alleged, was urged by his enemies on the attention of the pontiff, who in letters both to the king and the archbishop, insisted that Hubert should relinquish those secular offices which he held, and should confine himself to his archiepiscopal duties. He had once already tendered his resignation, and had been induced to withdraw it. Now it was tendered a second time, and reluctantly accepted. The celebrated Geoffrey Fitz-Peter was appointed his successor.[2]

Richard had the satisfaction to survive his two great persecutors, the duke of Austria and the emperor of Germany. To save the lives of his hostages he had sent to the former, according to a preceding agreement, the princess of Cyprus, and his niece, the maid of Bretagne. Before they arrived, Leopold was dead. He had crushed his foot by a fall from his horse: a mortification ensued; and on his death-bed, to obtain the benefit of absolution, he consented to release the hostages, and to order the restitution of the money which he had extorted from the English monarch.[3] Henry, for a while at least, enjoyed the fruit of his dishonesty. With Richard's ransom he raised a powerful army to prosecute his claim on the kingdom of Sicily. A torrent of Germans, pouring from the Alps into Italy, overran Apulia and Campania; and the Sicilians, to escape the ravages of a barbarous enemy, submitted by treaty to his authority. But the perfidious emperor laughed at the obligation of his word; put out the eyes of the son of Tancred (the father was dead); threw the queen Sybilla, her daughters, and the principal nobility, into chains; and was followed into Germany by a long train of captives, and one hundred and fifty horses laden with the most valuable spoils of the conquered provinces. But in the second expedition his cruelties excited the empress Constantia to join her countrymen against her husband. Besieged in a castle, he condescended to seek reconciliation, which in a short time was followed by his death. Like Leopold, during life he had despised the

[1] Hoved. 435. Diceto, 691. Gerv. 1591. Newbrig. v. 20, 21. Wendover, iii. 94.

[2] Gerv. 1619. New Rym. i. 71.

[3] How much had been received in all is unknown. A portion was spent in building the walls of Vienna. But 4,000 marks were offered to the hostages at their departure, to take to Richard. They refused the charge; lest, if any part should be lost or stolen during the journey, the king should compel them to make up the deficiency.—Hoved. 426. Ep. Inn. Pap. i. ep. 230.

dictates of his conscience and the papal excommunication; in death, like him, he acknowledged his injustice, and ordered the ransom of Richard to be restored. It is useless to add, that the restitution was easily eluded by his successor.[1]

It was Richard's fate to perish in an ignoble quarrel with one of his barons. A treasure had been discovered on the estate of Vidomar, viscount of Limoges, and though a part had been offered to satisfy the king, he demanded the whole. On the refusal of Vidomar, Richard besieged his castle of Chaluz, and contemptuously rejected the conditional offer of surrender made by the garrison. It chanced, as he rode round the walls in company with Marchadee, that an arrow wounded him in the left shoulder. The signal for assault was immediately given: the castle was taken by storm; and, with the exception of Gourdon, the archer who had wounded the king, the captives were ordered to be hanged as robbers who had detained the property of their sovereign. An unskilful surgeon now extracted the head of the arrow; and symptoms of mortification soon warned the king of his approaching dissolution. He sent for his confessor, received the sacraments with sentiments of compunction, and ordering Gourdon into his presence, gave him his liberty, with one hundred shillings to take him home. But Marchadee secretly detained the unhappy youth, and ordered him to be flayed alive. Richard expired in the forty-second year of his age. His body was buried at Fontevraud at the feet of his father; his lion-heart (the epithet had formerly flattered him) he bequeathed to the citizens of Rouen, in gratitude for their loyalty and attachment.[2]

To a degree of muscular strength, which falls to the lot of few, Richard added a mind incapable of fear. Hence in the ancient annalists he towers as a warrior above all his contemporaries. Nor was this pre-eminence conceded to him by the Christians alone. Even a century after his death his name was employed by the Saracen cavalier to chide his horse, and by the Saracen mother to terrify her children. But when we have given him the praise of valour, his panegyric is finished. His laurels were steeped in blood, and his victories purchased with the impoverishment of his people. Of the meanness to which he could stoop to procure money, and the injustices into which he was hurried by the impetuosity of his passions, the reader has found numerous instances in the preceding pages. To his wife he was as faithless as he had been rebellious to his father. If in a fit of repentance he had put away his mistress, there is reason to believe that his reformation did not survive the sickness by which it was suggested.[3]

The only benefits which the nation received in return for the immense sums with which it had furnished the king in his expedition to Palestine, for his ransom from captivity, and in support of his wars in France, were two legislative charters. By one of these he established uniformity of weights and measures throughout the realm; by the other he mitigated the severity of the law of wrecks. Formerly it had been held that, in cases of shipwreck, unless the vessel were repaired by the survivors within a given time, it became with the cargo the property of the crown, or of the lord of the manor, having right of wreck. The injustice of this custom was mitigated by Henry I., who exempted from forfeiture every ship

[1] Hoved. 424, 440. Gerv. 1597. Ep. Inn. i. 230.

[2] Hov. 449. Dic. 705. Rig. 42. There are many variations of this story.

[3] Joinville, 35. Hoved. 428.

from which a single mariner or passenger had escaped alive; but after his death, under the pretence that the consent of the baronage had not been obtained, the ancient claim was revived and exercised, till Henry II. enacted, that if even a beast escaped by which the owner could be ascertained, he should be allowed three months to claim his property; and by Richard it was added, that if the owner perished, his sons and daughters, and in their default, his brothers and sisters, should have a claim in preference to the crown.[1]

CHAPTER V.

JOHN,

SURNAMED SANSTERRE, OR LACKLAND.[2]—A.D. 1199.

CONTEMPORARY PRINCES.

Emp. of Germ.	*K. of Scotland.*	*K. of France.*	*K. of Spain.*
Philip.....1208	William.....1214	Philip Augustus.	Alphonso IX...1214
Otho IV.	Alexander II.		Henry I.

Popes.
Innocent III. 1216. Honorius III.

ACCESSION OF JOHN—CAPTIVITY AND DEATH OF HIS NEPHEW—LOSS OF NORMANDY, ANJOU, AND MAINE—CONTROVERSY WITH POPE INNOCENT—INTERDICT—THE KING'S SUBMISSION—DEMANDS OF THE BARONS—GRANT OF MAGNA CHARTA—RENEWAL OF THE CIVIL WAR—JOHN OBTAINS THE SUPPORT OF THE POPE—THE BARONS OFFER THE CROWN TO LOUIS OF FRANCE—THE KING DIES.

RICHARD had left no legitimate issue.[3] In the strict order of hereditary succession, the crown at his death should have devolved to his nephew Arthur, the son of Geoffrey, and duke of Bretagne, a boy in the twelfth year of his age. Formerly the young prince had been declared heir-apparent; but his mother Constantia by her indiscretion and caprice contrived to alienate the mind of his uncle, while the aged and politic Eleanor laboured with assiduity to draw closer the bonds of affection between her two sons. Under her guidance, John had almost obliterated the memory of his former treasons, and in reward of his fidelity, had obtained from his brother the restoration of his lands. When Richard lay on his death-bed, John was present; the claim of Arthur, though formerly admitted by the king, was forgotten; and the expiring monarch is said to have declared his brother successor to his throne, and heir to one-third of his property. John immediately received the homage of the knights present,

[1] Leg. Sax. 313, 342. Palgrave, ii. lxvii.

[2] This was the usual appellation of younger sons, whose fathers died during their minority. They could not possess fiefs till they were of age to do the services attached to them, which by law was fixed at twenty-one years.

[3] He had a natural son called Philip, who, the same year, murdered the viscount of Limoges, because he had been the occasion of Richard's death.—Hoved. 452.

hastened to take possession of Chinon, where Richard had deposited his treasures, and proceeded thence into Touraine, Maine, and Anjou, the ancient patrimony of the Plantagenets.[1] To his disappointment, the natives declared in favour of his nephew Arthur, and were supported in that declaration by the promise of support from the king of France, to whom Constantia had intrusted the person and the interests of her son. John had no time to waste in the reduction of these provinces; but before his departure he wreaked his vengeance on the two capitals, Mans and Angers. Both were sacked; the houses of stone in Mans were demolished, and Angers was given to the flames. From Angers he rode with expedition into Normandy, where his friends had secured every voice in his favour; and at Rouen he received the ducal coronet and sword from the hands of the archbishop. In Poitou and Aquitaine he was equally fortunate. In these provinces, the inheritance of his mother Eleanor, she was still considered as the rightful lady; and the aged queen did not hesitate to transfer to her son by public instruments the homage, fealty, and services of the natives, who submitted without a murmur to the dominion of their new master.[2]

In England, as the reader must already have noticed, not only the form, but much of the spirit of an elective monarchy had been hitherto retained. Since the Conquest five kings had ascended the throne; and four of these rested their principal title on the choice of the people. After the death of Richard, men were divided between the rival claims of John and of Arthur. On the arrival of Archbishop Hubert and William Marshal from Normandy, the justiciary, Fitz-Peter, had commanded all freemen to swear allegiance to *Earl* John;[3] but they were alarmed by the hesitation which seemed to prevail among the prelates and barons, many of whom during the preceding reign had deserved the enmity, or had been enriched by the forfeiture, of that prince. A great council was, therefore, held at Northampton; threats and promises were artfully employed to awaken the fears, and encourage the hopes, of the more reluctant; and at last an unanimous resolution was procured to swear fealty to John, *duke* of Normandy, on the condition that he should respect the present rights of each individual.[4] On this intelligence, he repaired to England, and was crowned with the usual solemnity at Westminster. The primate opened the ceremony with a remarkable speech, intended to justify the exclusion of Arthur. The crown, he observed, was not the property of any particular person. It was the gift of the nation, which chose, generally from the members of the reigning family, the prince, who appeared the most deserving of royalty in the existing circumstances. They had that day assembled to exercise this important duty, and had chosen for their sovereign John, duke

[1] Hov. 449. Paris, 164. Ann. Burt. 256.

[2] See one of those instruments in Rymer, i. 112. John did her homage for the gift, and then restored it to her during her life. It was agreed that neither should make alienations without the consent of the other. —See also Rymer, i. 110, 111.

[3] Our ancient authorities observe the same rule in speaking of John before his accession as they did of Richard. He is Earl John till he receives the ducal coronet; then Duke John till his coronation, after which he is King John. The coronation took place on May 26, the festival of the Ascension; and the years of his reign were reckoned from festival to festival, and not as was supposed till lately, from and to the same day of the month; probably because the king looked on the festival as the fitter day for keeping the anniversary of the ceremony.

[4] Hoved. 450.

of Normandy, brother to the deceased monarch. To these principles John gave a tacit assent; and, after a solemn admonition from the primate, took the accustomed oath.[1]

The French kings had long cast a wishful eye towards the provinces possessed by the English monarchs in France. If the ambition of Philip shrunk before the superior prowess of Richard, it expanded again at the accession of his weak and pusillanimous brother. With Arthur in his possession, he determined to fight his own battles, while he pretended to support the cause of an injured orphan; and, having conferred the sword of knighthood on the young prince, he traversed Normandy, burnt Evreux, and placed garrisons in the fortresses of Anjou, Maine, and Touraine. An uninteresting war ensued; hostilities, at the solicitation of the cardinal Peter of Capua, were suspended by armistice; and the armistice terminated in a peace, which did little honour to either of the two monarchs. Philip sacrificed the interests of Arthur, acknowledged John for the rightful heir to his late brother, and compelled the young prince to do homage to his uncle for the duchy of Bretagne. But the English king had purchased this advantage by the payment of twenty thousand marks as the "relief", for his succession, and by the transfer of the county of Evreux and several valuable fiefs to Louis, the son of Philip, as the marriage portion of his niece, Blanche of Castile, who was immediately married to the French prince. That these transactions might be valid, according to the principles of the feudal jurisprudence, a curious farce was enacted. John had never performed that homage, which was requisite to entitle a vassal to the legal possession, and consequently to the power of disposing of his estates. Philip therefore, though he was already master by conquest of several of the places ceded by the treaty, restored them to the English king; who first did homage and swore fealty to his sovereign lord, and then, being thus lawfully seised of his foreign dominions, transferred the stipulated portions with the proper ceremonies to Philip and Louis. Their former friendship now seemed to revive; and when John visited Paris, the French king resigned his own palace for the accommodation of his brother of England.[2]

Had John possessed the spirit and enterprise of Richard, he might have obtained very different terms from Philip, who at that moment was engaged in a warm and dangerous controversy with the pontiff Inno-

[1] Hoved. 451. Paris, 165. New Rymer, 140. Thorn, Dec. Scrip. 1869. In the preamble, however, to a law which was published a few days later (June 7) at Northampton, he was careful to unite both his titles. God had raised him to the throne, which belonged to him by hereditary right, through the unanimous consent and favour of the clergy and people.—New Rym. i. 76. From this law it appears that one mark of gold was equal to ten of silver; which I suspect had been caused by the debasement of the silver coinage with one-eighth of alloy; for, after it had been raised to the ancient standard, the value of gold was again to that of silver, as of nine to one. This appears from the presents which the king made of ancient custom to the chancellor, of two marks of gold at Christmas, one mark at Easter, and one at Whitsuntide, and of one ounce at each of twelve minor festivals; all of which are ordered by John to be paid in silver at the rate of nine marks of silver for one of gold. Computatis pro qualibet m. auri novem m. argenti.—See Rot. Claus. 13, 34, 35, 85.

[2] Hov. 452, 454, 456. West. 264. Rigord. 44. Thresor des Chartes, p. 3. Archives de France, p. 177. Blanche was daughter to John's sister Eleanor, who had borne to her husband Alphonso of Castile three sons and four daughters. During this year the king published a law at Hastings, asserting his dominion over the British seas, and ordering all foreign ships to strike their topsails to his flag under the penalty of capture and confiscation.—Selden, Mare clausum, ii. 265.

cent III. Several years before, while Richard was in captivity, he had solicited the hand of Ingelburga, the beautiful sister of the king of Denmark. Ingelburga was conducted to Amiens; the ceremony of her marriage was immediately followed by that of her coronation; and the next morning Philip, to the astonishment of the world, required her attendants to convey her back to her brother. On their refusal, she was sent to a convent; and a divorce was pronounced by the archbishop of Rheims under the pretence of affinity, because she was cousin to Philip's deceased wife. The king, though his offers were contemptuously rejected by several princesses, at length found a woman who dared to trust to his honour, in Agnes, the daughter of the duke of Moravia. They were married, and continued to cohabit, in defiance of the prohibition of Pope Celestine, who had annulled the sentence of the archbishop. To Celestine succeeded Innocent, a pontiff who, to the vigour of youth and an unsullied purity of character, added the most lofty notions of the papal authority, and a determination to restrain the excesses and immorality of the different princes of Christendom. At the request of the king of Denmark, he espoused the cause of Ingelburga; and his legate, the Cardinal Peter, laid the dominions of Philip under an interdict. This was to punish the innocent for the guilty; but it had the effect of subduing that obstinacy, which had been proof against the considerations of honour and conscience. Unable to enforce disobedience to the interdict, and assailed by the clamours of his subjects, Philip consented to dismiss Agnes, to treat Ingelburga as queen, and to submit to the revision of the original sentence. In the council of Soissons the beauty and tears of the Danish princess pleaded forcibly in her favour; the objections of her opponents were easily refuted; and the legate had prepared to pronounce judgment, when Philip informed him that he acknowledged the validity of the marriage. Ingelburga derived at the time little benefit from her victory. With the title of queen she was confined in a fortress, and strictly debarred from the society of any but her own women. After some years they were reconciled.[1]

The failure of Philip in this attempt to sport with the matrimonial contract did not deter John from following his example. Twelve years had elapsed since his marriage with Hadwisa, or Johanna, the heiress to the earldom of Gloucester. Interest, not affection, had brought about their union; but her estates, however valuable to the earl of Moretaigne, were of little consequence to the king of England; and a sentence of divorce on the usual plea of consanguinity was readily granted by the archbishop of Bordeaux. John immediately sent ambassadors to Lisbon to demand the princess of Portugal; but before he could receive an answer, he saw by accident Isabella, daughter to Aymar, count of Angouleme, a young lady, who in her early years had been publicly promised, and privately espoused, to Hugh, count of La Marche.[2] The king was captivated by her beauty; the glare of a crown seduced the faith of the father and his daughter; and the unexpected marriage of Isabella and John deprived the princess of

[1] Hoved. 416, 456, 461, 464.

[2] Per verba de præsenti, but not in facie ecclesiæ.—Hov. 457. This contract would, according to the doctrine of the time, bind Hugh but not Isabella, till it should be confirmed by her after she came to the age of puberty. This, it appears, she had not done, and Aymar contrived to get her out of the hands of the brother of Hugh, to whose care she had been intrusted.

Portugal of a husband, the count de la Marche of a wife. The complaints of the one and the threats of the other were equally disregarded. John conducted his bride in triumph to England, and was crowned with her at Westminster by the primate. The next year the same ceremony was repeated at Canterbury, on the festival of Easter.[1]

It is from this inauspicious marriage that we must date the decline of the Plantagenet family. When Isabella was seduced from her betrothed, John was lord of the French coast from the borders of Flanders to the foot of the Pyrenees; in three years he had irrevocably lost the best portion of this valuable territory, the provinces which his predecessors had inherited from William of Normandy and Fulk of Anjou. The sword of the count de la Marche was indeed too feeble to inflict any serious injury. The arrival of John soon restrained his predatory incursions; and a summons to appear with his partisans in the king's court warned him to look round for protection. But he appealed to the justice of Philip, their common lord; nor was that prince sorry that the tergiversation of John afforded him a pretext for humbling so powerful a vassal. The provisions of the late treaty were instantly forgotten. Philip received the homage of Arthur for Bretagne, Anjou, Maine, and Touraine; the discontented barons hastened to join his banner; fortress after fortress surrendered to the confederates; and the heart of John sank in despondency, when an unexpected event arrested the progress of his enemies, and gave him a temporary superiority. Eleanor, the queen mother, was lodged in the castle of Mirabeau, in Poitou. Its garrison was as weak as its defences were contemptible; and the glory of making her a prisoner was allotted to the young Arthur, her grandson. Accompanied by the barons of the province, he invested Mirabeau. The gates were easily forced; but the queen retiring into the tower, refused to capitulate, and found means to acquaint her son with her danger. John, roused from his apathy, flew to her relief, routed the enemy who came out to oppose him, entered the walls together with the fugitives, and after a sharp conflict compelled the survivors to ask for quarter. Among the captives was the young duke of Bretagne, whom he placed under a strong guard in the castle of Falaise. The rest of the prisoners he sent to England; and Philip, having burnt the city of Tours, returned to Paris.[2]

This sudden alteration of fortune had placed in the king's hands the fate of his rival. If the voice of humanity pleaded loudly in favour of a nephew and orphan, an erroneous policy objected the danger of permitting a

[1] Hoved. 457, 461. Paris, 168. At this time all the nations of Christendom were thrown into consternation by the commentators on the Apocalypse, who do not appear to have been better gifted with the spirit of prophecy than their more recent successors. They taught that at the end of the year 1200 expired the term of 1000 years, during which the devil was to be bound in the bottomless pit (Rev. xx. 1—3); and left it to the imagination of their hearers to conceive the confusion he would cause, and the horrors he would perpetrate, when he should be set at liberty. Quod si diabolus ligatus, says Hoveden, tot et tanta intulerit mala mundo, quot et quanta inferet solutus? Precemur ergo, &c.—Hoved. 465.

[2] Paris, 174. West. 264. Twenty-two of the captives were starved to death in Corfe Castle.—Ann. de Marg. 13. Eleanor herself lived two years longer, and died in 1204. —Mailros, 181. For the good of her soul, John, on the Wednesday before Palm Sunday (April 14), ordered all prisoners, with the exception of Jews and prisoners of war, to be set at liberty, but on condition that they should find sureties for their good behaviour in the county court, or abjure the realm within forty days. Men charged with murder were to compound with the family of the murdered, or find bail for their appearance to answer, or return to prison.—Rot. Pat. 54.

prince to live, who, as he now claimed, might on some future occasion obtain the crown. It does not, however, appear that John fixed at first on the dreadful expedient of assassination. He visited his captive, exhorted him to desist from his pretensions, and represented the folly of trusting to the friendship of the king of France, the natural enemy of his family. To this admonition the high-spirited youth answered, that he would resign his claim only with his breath; and that the crown of England, together with the French provinces, belonged to himself in right of his father. John retired pensive and discontented; Arthur was transferred to the castle of Rouen, and confined in a dungeon of the new tower. Within a few months he had disappeared. If the manner of his death could have borne investigation, John, for his own honour, would have made it public. His silence proves that the young prince was murdered. Report ascribed his fate to the dagger of his uncle; but the king of England could surely have hired an assassin without actually dipping his hands in the blood of a nephew.[1] His niece Eleanor, the sister of Arthur, and commonly called the Maid of Bretagne, was sent to England, and placed under rigorous but honourable confinement, that she might not, by marriage with a foreign prince, raise up a new competitor for the succession of her father.[2]

It is unfortunate that at this interesting crisis we are deserted by the contemporary annalists, who led us through the preceding reigns, and are compelled to rely on the authority of writers, who lived at a later period, and whose broken and doubtful notices cannot furnish a connected or satisfactory narrative.[3] After a short pause the whispers of suspicion were converted into a conviction of the king's guilt. The Bretons immediately assembled, swore to be revenged on the murderer, and proceeded to settle the succession to the dukedom. Guy of Thouars entered the meeting, carrying in his arms a child of the name of Alice, his daughter by Constantia, whom he had married after the death of her first husband. The princess was acknowledged without prejudice to the right of Eleanor, now in the custody of her sanguinary uncle; and Guy was appointed her guardian, and governor of the duchy. The bishop of Rennes then hastened to Paris to accuse the English king of the murder; and Philip gladly summoned him to prove his innocence in the presence of the French peers. John, however, refused; and the court pronounced judgment, that "whereas John, duke of Normandy, in violation of his oath to Philip his lord, had murdered the son of his elder brother, a homager of the crown of France, and near kinsman to the king, and had perpetrated the crime within the seigniory of France, he was found guilty of felony and treason, and was therefore adjudged to forfeit all the lands which he held by homage."[4]

[1] Subito evanuit, modo fere omnibus ignorato, utinam non ut fama refert invida.—Par. 174. Cito post evanuit. Rex suspectus habebatur ab omnibus, quasi illum manu propria occidisset.—West. 264. Feriâ quintâ ante Pascha propria manu interfecit.—Ann. de Marg. 13. Will. Brito says he took Arthur into a boat, stabbed him twice with his own hands, and threw the dead body into the river about three miles from the castle.—Philipid. l. vi. p. 167.

[2] Chron. Tho. Wik. 36.

[3] It is singular that the works of Diceto, Benedict, Gervase, Newbrigensis, Brompton, and Hoveden, should all end about this period. Paris is the next in time; but at John's accession he was so young, that he can hardly be termed a contemporary writer. He transcribed, indeed, Wendover; but Wendover's account of this period is very imperfect.

[4] West. 264. Ann. de Marg. 13. During this year the assize of bread was fixed throughout the realm on the principle, that in a quarter of wheat (supposed to weigh 512 pounds—Rudborn, 267), the baker, after deducting every expense, should make a clear profit of three pennies. In 1256 a new

To execute this sentence, Philip on the one side, and the Bretons on the other, entered John's dominions. After the reduction of several minor fortresses, it was resolved to besiege Château Gaillard, a strong castle built by the late king on a rock hanging over the Seine. John, on the disappearance of his nephew, had come over to England, was crowned a second time by Archbishop Hubert at Canterbury, and immediately returned to Normandy.[1] Though he assembled a numerous army, he seemed ashamed to show his face to the enemy; and the task of relieving the besieged devolved on his general, the earl of Pembroke. A bridge of boats, which had been thrown across the river, effectually prevented the arrival of supplies to the garrison. To break through this obstacle, the earl planned a combined attack by land and water. He reached the French camp in the night at the hour appointed, and by the vigour of his assault threw the whole army into confusion. But the flotilla of seventy small vessels, which had been compelled to row against the wind and the current, arrived only in the morning in time to witness the repulse of the earl, and retired hastily from the threatened attack of a victorious enemy. This was the last effort which the king made in defence of his foreign possessions. If we may believe the accounts which have been transmitted to us, he sought to drown the voice of his conscience in scenes of merriment and debauchery. At Rouen, amidst a gay and voluptuous court, he affected to laugh at the progress of the confederates, and openly boasted that in one day he would teach them to regret the success of a whole year. Thus while his strongest defences were crumbling around him, the infatuated monarch appeared to slumber secure in the lap of pleasure, till the reduction of Radipont, in the vicinity of Rouen, awakened him from his lethargy, and induced him to flee with precipitation to England.[2]

Perhaps, if it were possible to consult some contemporary historian, we might discover the true reason of John's inactivity. He certainly did not acquiesce in his loss with indifference. He complained loudly of the perfidy of his opponents; he reclaimed the intervention of the pope, to compel Philip by ecclesiastical censures to observe his oaths;[3] and he raised forces and money both in England and Ireland,

assize was fixed from the price of one shilling to twelve shillings the quarter; and as the profit of the baker was fixed at a lower sum, the weight of the loaf was rather augmented.—See Annal. Burt. 365. The baker was to impress his seal on the loaf.—Rot. Pat. 41.

[1] Wendover, iii. 171.

[2] Paris, 175. West. 265.

[3] Innocent entered warmly into the cause, and appointed the archbishop of Bourges and the abbot of Casamaggiore, his legates, to *decide* the controversy between the two kings. But what right had he to interfere in this authoritative manner? The reader shall learn from one of his letters, which shows, more plainly than any speculations of modern writers, the real ground on which the popes assumed their pretended authority in temporal matters. He first transcribes the following passage from the gospel: "If thy brother trespass against thee, go and tell him his fault between him and thee alone . . . and if he will not hear thee, then take with thee one or two more . . . and if he shall neglect to hear them, tell it unto the church; but if he neglect to hear the church, let him be unto thee as an heathen man, and a publican.—Matt. xviii. 15—17. "Now," he proceeds, "the king of England maintains that the king of France, by enforcing the execution of an unjust sentence, has trespassed against him. He has therefore admonished him of his fault in the manner prescribed by the gospel; and meeting with no redress, has, according to the direction of the same gospel, appealed to the church. How then can we, whom divine providence has placed at the head of the church, refuse to obey the divine command? How can we hesitate to proceed according to the form pointed out by Christ himself? . . . We do not arrogate to ourselves the right of judgment as to the fee; that belongs to the king of France. But we have a right to judge respecting the sin; and that right it is our duty to exercise against the offender, be he who he may. . . . By the imperial law it has been provided, that if one of two litigant parties

to carry on the war. Probably neither his foreign nor English barons were true to his interests. Many of the former he punished by the forfeiture of their lands in England, and of the latter by exacting from them a seventh of their income and moveables. Yet when he had collected a numerous army at Portsmouth, they unanimously informed him by the mouth of Archbishop Hubert that they would not embark.[1]

At length, after a siege of several months, and when the garrison had been reduced, by the casualties of war and the ravages of famine, to less than two hundred men, the gallant Roger de Lacy surrendered Château Gaillard to the king of France. Falaise, a place equally strong, and the bulwark of Lower Normandy, was given up by the treachery of Lupercaire, the governor, who with his mercenaries entered into the service of Philip. Still the citizens of Rouen, Arques, and Verneuil, animated by an hereditary hatred of the French, resolved to oppose the invaders; concluded a league for their common defence; and implored by messengers the aid of the king of England. Rouen was soon invested; a refusal of assistance from John threw the citizens into despair; and an offer of conditional submission was made to the French king. It was stipulated that unless a peace should be concluded, or the enemy be driven from the walls within thirty days, Philip should be admitted as immediate lord of Rouen, and the citizens should continue to enjoy their accustomed immunities. Arques and Verneuil accepted the same terms; and, in like manner, opened their gates on the appointed day. Anjou, Maine, and Touraine followed the example of Normandy; and thus by the guilt, or indolence, or bad fortune of John were these extensive and opulent provinces re-annexed to the French crown after a separation of two hundred and ninety-two years.[2]

But, if John had neglected to preserve, he seemed resolved to recover, his transmarine dominions. In a great council at Winchester it was proposed and resolved, that every tenth knight in the kingdom should accompany the king, and serve in Poitou at the expense of the other nine.[3] But though a fleet was prepared, though the day of embarkation

prefer the judgment of the Apostolic See to that of the civil magistrate (apud Grat. caus. ii. 9, 1, can. 35), the other shall be bound to submit to such judgment. But if we mention this, it is not that we found our jurisdiction on any civil authority. God has made it our duty to reprehend the man who falls into mortal sin, and if he neglect our reprehension, to compel him to amend by ecclesiastical censures. Moreover, both kings have sworn to observe the late treaty of peace, and yet Philip has broken that treaty. The cognizance of perjury is universally allowed to belong to the ecclesiastical courts. On this account, therefore, we have also a right to call the parties before our tribunal."—Cap. Nov. 13, de judiciis. The importance of this extract must plead for its length. It is needless to add, that the pope's reasons did not convince the king, or the clergy of France, and that the mission of the two legates was totally useless.

[1] Paris, 175, 176. West. 265.

[2] Paris, 178. West. 265-6. I may here remark that the coin now in circulation contained one-eighth of alloy, and that much of it had been filed or clipt. In a council held in October of this year, it was determined to issue a new coinage after Christmas, of lawful weight and purity (money of "*Vintenlor*"), which should have the impression of a circle round the rim to prevent the practice of clipping. Four men were to be appointed to examine the money offered in each market. If it had been clipt, they were to bore it, and return it to the owner, should he be an esquire, or farmer, or countryman; but to retain it for the king, and cast the owner into prison, if a burgess or a Jew. The old money was not to pass at all, unless it were offered by a foreign merchant, or a goldsmith of the Jewish persuasion, and then only in exchange for clothes and provisions. The punishment for reblanching the old coin was forfeiture of the money, and an amercement to the king.—Rot. Pat. 47, 54. Leg. Sax. 359, 360.

[3] This council is said to have been archiepiscoporum, episcoporum, baronum, et *omnium fidelium nostrorum*. Each knight was to receive two shillings per day. If an enemy landed on the coast, every man capable of bearing arms was to join the army under pain of forfeiting, if he had lands,

was fixed and postponed, though John proceeded to Portsmouth, and actually put to sea, yet so weak was the force which he could muster, that he returned to land, and abandoned the attempt. For this disappointment he consoled himself during the summer by levying fines on the defaulters; and the next year, having secured the co-operation of Guy, vicomte de Thouars, he crossed the channel with a gallant army, and landed at La Rochelle. The castle of Montauban was invested; and John was able to boast that he had reduced in a few days a fortress which Charlemagne had not taken in seven years. He proceeded to Angers, and once more burnt that unfortunate city. But from this state of exertion his mind relapsed into its usual irresolution and apathy. He raised the siege of Nantes to offer battle to Philip; when the armies came within sight, he proposed a negotiation; and as soon as the negotiation was opened, slunk away with his army to La Rochelle. Philip affected to resent the transaction; but at the earnest solicitation of the pope's legate consented to an armistice for two years.[1] John returned to England, and in a great council obtained the grant of a thirteenth for the defence of the rights of the church, and the recovery of his inheritance; but his brother Geoffrey, archbishop of York, refused to submit, excommunicated the king's officers, and fled beyond the sea.[2]

This unfortunate contest with the French king was followed by another with the Roman pontiff, differing indeed in its object, but equally disgraceful in its result. The reader has seen that our kings at their coronation promised upon oath to maintain the immunities of the church, among which was numbered the right claimed by the chapters of choosing their prelates. It was a right, however, which the prince viewed with jealousy, and which he invaded without difficulty. The bishoprics offered the cheapest means of remunerating the clergymen in his service; and, as the baronies annexed to them gave their possessors considerable influence in the state, his interest demanded that they should not be bestowed on his enemies. Hence, while he permitted the form of election to exist, he was in general careful to retain the real nomination in his own power. It was required that the choice of the chapter should be preceded by the royal license, which afforded the king the opportunity of recommendation; and that it should be followed by the presentment of the bishop elect for his approval, which allowed him in reality the exercise of a veto. Thus far, however, the practice in England was conformable to the practice of most Christian countries; in one point it differed from that of all others. Several of the cathedral churches had been originally settled in monasteries, and still continued to be served by monks, who claimed and exercised all the rights of the chapters; a singular and incongruous institution, since it referred the choice of the bishops to men who, by their utter seclusion from the world, were the least calculated to appreciate the merits of the candidates, or to judge of the qualifications requisite for the office.

With respect to the other sees, this interference of the monks was perhaps of minor importance; but the archbishop of Canterbury enjoyed so elevated a station in church and state, that his election interested both the king and the prelates. The latter, grounding their pretensions on the

those lands for ever, and, if he had not, of becoming with all his posterity a *slave* for ever, and paying a yearly poll-tax of fourpence.—Rot. Pat. 55.

[1] Paris, 180. West. 267. Rym. i. 141.

[2] Paris, 212. Duns. 50. Rot. Pat. 71, bis.

more ancient discipline, claimed a right, if not of exclusive, at least of concurrent, election; but that right was fiercely denied by the monks of Christchurch, whose priors, on more than one occasion, protested that they would rather lose their lives than acquiesce in the violation of the most glorious of their privileges. At the death of each archbishop the contest was renewed; and both parties had recourse to every expedient which policy could suggest. The king always confederated with the prelates; but the monks fought their own battle with spirit and perseverance. To subdue their obstinacy, threats and promises and flattery were employed; that they might be weakened by separation, the place of election was often fixed at a distance, where the right could be exercised by a few only in the name of the whole body; and the object of their choice, unless he were the person recommended by the king, and elected by the bishops, was uniformly refused. Still, though they might ultimately be compelled to yield, they always yielded in such a manner, as not to acknowledge, by their acquiescence, the exercise of the right claimed by the prelates.[1] These preliminary notices were requisite, that the reader may fully understand the nature of the controversy which will follow.

As soon as the death of Archbishop Hubert was known, the junior part of the monks assembled clandestinely in the night, and placed Reginald, their sub-prior, on the archiepiscopal throne. To this election they were aware that a strong opposition would be made. They had not asked the royal license; and had proceeded without the concurrence of the episcopal body. Their only hope of success depended on the approbation of the Apostolic See. Reginald was accordingly sent to Rome; but the motive of his journey was anxiously concealed; and an oath was exacted that he would not divulge the secret till he had sounded the mind of the pontiff. But the vanity of the monk subdued his prudence; and he was no sooner out of the English territory, than he assumed the title of archbishop-elect. He was quickly followed to Rome by a deputation from the bishops of the province of Canterbury with a protest against his election, because it had been made without their concurrence and in derogation of their right.[2]

In England it was the determination of the king to place his favourite John de Gray, bishop of Norwich, on the archiepiscopal throne. For this purpose the bishops were induced to sign an instrument, by which they withdrew their claims to any participation in the election of the archbishop. The king immediately repaired to Canterbury, called the brotherhood before him, ordered them to proceed to a canonical election, and recommended the bishop of Norwich to their suffrages. He was chosen of course: and messengers were despatched to Rome with the necessary documents, and in their company a deputation of six monks empowered to act in the name of the whole body.[3]

Innocent had already begun to examine the controversy respecting the right of election. After a long inquiry he decided in favour of the monks. It had been enjoyed by them during the Anglo-Saxon times. A claim set up by the Norman prelates after the Conquest could not invalidate a right, which had existed during four centuries. The next question

[1] See the elections of Theobald (Gervase, 1348), of St. Thomas (id. 1382), of Richard (id. 1423, 1425), of Baldwin (id. 1304, 1306, 1468—1474), and of Hubert (id. 1583, 1584).

[2] Wendover, iii. 183.

[3] See the king's letter to the pope in the Patent Rolls, p. 56; also 57.

regarded the election of Reginald and of John de Gray. A commission was appointed to examine the monks of Christchurch, and on the receipt of the report, Innocent pronounced both elections void; that of Reginald because it had been made furtively and uncanonically, and that of De Gray because it had been made prematurely, and before the nullity of the other had been declared.[1]

This decision had been foreseen in England; still it was possible that Innocent might be induced to favour the king's nominee. New messengers were therefore despatched with letters of credit to a great amount, to make friends in the papal court, and with a memorial, which had been subscribed by the greater barons, earls, and prelates,[2] stating that the king's predecessors had been accustomed to nominate to the vacant bishopries; and moreover with a request to the pope from John himself, that he would provide for the desolate church of Canterbury, but with due attention to the rights of the English crown.[3] Innocent, however, had insuperable objections to the promotion of De Gray. That prelate was the prime minister, so encumbered with temporal concerns, that he could spare no time for the spiritual government of his diocese. It was not long since the pontiff had compelled Archbishop Hubert to retire from the cabinet to his church: he could not then consistently appoint another secular minister to the archiepiscopal dignity.

But where was he to discover a substitute for De Gray, likely to prove acceptable to the king? He persuaded himself that there was one at that very time in Rome, Stephen Langton, an Englishman whose merit had raised him to the rectorship of the university of Paris,[4] and had induced Innocent to invite him from Paris to the papal court, and to create him cardinal of St. Chrysogonus. Nor was he unknown to John, who had corresponded with him, and expressed a high esteem of his worth and acquirements. But the monarch would not hear of his promotion in the place of his favourite. The monks in Rome, at the mandate of the pontiff, had proceeded to a new selection, and had chosen Langton. Their messengers were seized as they landed in England, and thrown into prison. Anxious to avoid a quarrel, Innocent wrote to solicit the king's assent. No answer was returned; and Langton was consecrated archbishop of Canterbury at Viterbo, by the pontiff himself.[5]

The bishop of Norwich, however, was unwilling to resign the object of his ambition, and by his interested councils plunged his master into a contest, to which, in his present depressed state, he was evidently unequal. No sooner was the consecration of Langton announced than John wreaked his vengeance on the monks. They had been the cause of his disappointment, first by their furtive election of Reginald, and secondly by their perfidious choice of Langton. A body of armed men drove them from their convent, compelled them to cross the sea, and took possession of their lands for the crown. Innocent by soothing letters endeavoured to mollify the king's resentment. He expatiated on the virtues and talents of the new primate; claimed the praise

[1] Wend. iii. 188, 211. Paris, 180.

[2] This memorial had been sent round the kingdom with a request from the king to the barons, earls, and prelates, that they would sign it.—See Patent Rolls, p. 63, 64.

[3] Destinamus ad pedes sanctitatis vestræ latores præsentium, rogantes quatenus dignitates nostras quas nos et patres nostri habuimus super provisionibus, tam ecclesiæ Cantuariensis quam aliarum cathedralium sedium integras et illæsas conservare velitis, et ecclesiæ Anglicanæ et regno in arcto positis paterna provisione providere.—Rot. Pat. p. 65.

[4] Gymnasii Parisiensis decus et rector.—Trithem. ODXXII.

[5] Wend. iii. 218, 219. Paris, 187, 189.

of moderation for having waived his own right; solicited the assent and approbation of the king; and promised, if John would acquiesce, to take care that the past transaction should not be converted into a precedent injurious to the prerogatives of the English crown. But the obstinacy of the monarch was not to be softened; he replied in terms of hostility and defiance; and avowed his determination that Langton should never set his foot in England in the character of primate.

The die was now cast, and the quarrel became a trial of strength between the power of the king and that of the pontiff. The latter resolved to proceed step by step, and began by laying the whole kingdom under an interdict; a singular form of punishment, by which the person of the king was spared, and his subjects, the unoffending parties, were made to suffer. The interdict was scarcely known in the earlier ages. Some faint traces of it may be discovered about the year 500, when it was denominated the *ban* of God, or the *ban* Christian; but it was not before the eleventh century that its use became frequent, or that its nature and effects were accurately defined. When, after the death of Charlemagne, the different nations of Europe groaned under the oppression of warlike nobles, whose rapacity respected neither the sanctity of the altar, nor the rights of humanity, the clergy, to restrain the ferocity of these numerous tyrants, had recourse to every expedient which religion could furnish, or ingenuity could suggest. In a synod, held at Limoges on one of these occasions, the Abbot Odolric proposed to make trial of an interdict. "Till the nobles," said he, "cease from their ravages, do you forbid the celebration of mass, the solemnities of marriage, and the burial of the dead. Let the churches be stript of their ornaments, and the faithful observe the abstinence of Lent." The advice was followed; the detestation of the people, who were thus deprived of the exercise of their religion, confounded and alarmed their oppressors; and the success of the experiment recommended the interdict to the clergy as the most powerful obstacle which they could oppose to the violence of their enemies.[1]

Innocent had intrusted the publication of the interdict to the bishops of London, Ely, and Worcester. By them the day was fixed on which it was to take place, the Monday in the second week before Easter: by John orders had been issued to his officers in each county to seize for his use the property of every man by whom the interdict should be obeyed. The three prelates waited on the king, exposed to him the consequences of his obstinacy, and conjured him on their knees to admit the new archbishop. Though he had seen a greater prince than himself, the king of France, reduced to submission by the terrors of an interdict, he was inexorable; he interrupted them with oaths and insults; he affected to laugh at the resentment of the pontiff; he poured out the most cruel menaces against the clergy in general, and drove the bishops ignominiously from his presence. The appointed day came, and instantly the churches were closed; no bell was tolled; no service was solemnly performed; the administration of the sacraments, except to infants and the dying, was suspended; and the bodies of the dead were interred silently and in unconsecrated ground.[2] This sudden extinction of the forms and

[1] Greg. Tur. Hist. viii. 31. Con. Gen. ix. 902. Ivo of Chartres calls it remedium insolitum.—Ep. 94.

[2] Sermons were preached on the Sundays

aids of religion struck the people with horror. John, amidst the general gloom, wore an air of serenity, and even of cheerfulness. Reckless of the future, he indulged for the moment in the gratification of revenge. The three prelates were soon beyond his reach on the continent;[1] but he apprehended their relatives, and threw them as criminals into prison; and made the clergy, both secular and regular, who obeyed the papal mandate, feel that they were dependent on his mercy. At first he would listen to no solicitations in their favour; "they might," he said, "quit the kingdom, and seek redress or compensation from the justice or the pity of the pontiff." But after a few days he began to relent. He ordered his officers to allow them "a reasonable support" out of their own income;[2] and, unwilling that any one should injure them but himself, announced by proclamation, that whosoever, by word or deed, dared to break his peace by misusing any of the clergy, "should be hanged forthwith on the nearest oak."[3]

For some years John affected to despise the consequences of the interdict and the menaces of the pontiff; and his cause derived a temporary lustre from the success of his pretensions of superiority over the Scottish king, and of his military operations in Ireland and Wales. 1. Though William of Scotland had purchased from the poverty of Richard a release from the galling yoke imposed upon him by the treaty of Valognes, still the kings of the two nations stood in their former position relatively to each other, and John was careful soon after his coronation to summon the Scottish prince to do him homage at York. William demurred: John was called from York to Normandy, and the question of homage remained in suspense until his return. Then the two princes met at Lincoln; and William, on an eminence near the city, in presence of the English and Scottish barons, and of an immense concourse of people, did homage to John, swore fealty to him on the cross of Archbishop Hubert, and tendered to him a charter, by which he engaged not to marry his son Alexander, the liege man of John, without the assent of his lord, and bound himself and his son to keep faith and fealty to the son and heir of John, as to their liege lord, against

in the churchyard; marriages and churchings took place in the porch of the church.—Duns. 51.

[1] Two of them, London and Ely, obtained permission to speak to him under a safe conduct for four days.—Rot. Claus. 108. Mar. 30. The only bishop who dared to remain in England was the king's favourite, the bishop of Winchester. The bishop of Norwich had been sent as lord deputy to Ireland.—Duns. 52.

[2] Rationabile estuverium: that was, two dishes a day for a monk, and as much as should be judged necessary by four sworn men of the parish for a secular clergyman. But this indulgence was confined to those who had not sold their crops; "if they had, they might find a living where they could."—Rot. Claus. 109, Apr. 6, 111, Apr. 13.

[3] John's proclamations were short and intelligible. Si quem attingere possumus, ad proximum quercum eum suspendi faciemus.—Apr. 11. New. Rym. 101. Rot. Claus. 111. From numerous entries on the Close Rolls, it appears that the lands of all the clergy, with the exception of the Cistercian order of monks, were taken into the king's hands. The Cistercians escaped at first, because, under pretence of some exclusive privilege, they did not observe the interdict, but afterwards they submitted to it like the rest. The king kept most of the lands for his own profit; but he gave to his barons the custody of such churches and monasteries as had been founded by their families, or to which they held the right of presentation, and generally with this condition, that they should answer for the profits, *if called upon*. In like manner several abbots, priors, and clergymen obtained, probably by purchase, the custody of their own property, but on the same condition. With many, however, he appears to have been very severe, selling all the cattle off their lands, under the pretext of debts to the crown, either real or fictitious.—See the Close Rolls, 107, 115. Paris, 190. West. 268. Duns. 51.

all manner of men.[1] He then rose, and, as heir to his grandfather David, demanded the three counties of Northumberland, Cumberland, and Westmoreland; counties which that prince had seized during the wars between Stephen and Matilda. But this was more than John was disposed to concede; and he eluded the claim by promising to take it into consideration, and to return an answer at his leisure. The two princes separated, friends in appearance, but enemies at heart, and nine years of doubtful tranquillity followed, during which the king of Scots was twice at least summoned, and twice consented to meet his liege lord at York.[2] But the jealousy of the English monarch was not to be lulled; understanding that William had privately promised one of his daughters in marriage to the earl of Boulogne, he called on the Scottish prince to come and answer for his presumption; and, having received the usual excuse of ill health, advanced in hostile array as far as Norham. William deemed it prudent to appease the lion, whose anger he had provoked. He delivered both his daughters into the hands of John, to be kept in England, and to be disposed of in marriage at the pleasure of the king; to purchase the goodwill of his lord, and his consent to certain covenants, he bound himself to pay fifteen thousand marks in five years by equal instalments; and as security for the faithful performance of these engagements, left in the hands of John several hostages, selected from the first families of Scotland.[3] Three years, however, did not elapse before the suspicion of the English monarch was revived, and William found himself compelled to bring his son and heir, Alexander, to the court of his lord; where the father surrendered to John the right of marrying the young prince to whomsoever he pleased, but without disparagement, and within the course of six years; and both father and son entered into a solemn engagement to hold to Henry, the son and heir of John, against all men living, if that prince should chance to survive his father. By these concessions a full reconciliation was effected, and the young Alexander received at Clerkenwell the honour of knighthood from the hands of his liege lord.[4] Assuredly the superiority so proudly assumed on all these occasions by the English, and so tamely admitted by the Scottish monarch, must have been founded on a broader basis than that assigned by certain writers, the possession of a few scattered manors in the northern counties of England.[5]

[1] Regi Johanni homagium fecit, et super crucem Huberti archiepiscopi fidelitatem de pace sibi et regno, servanda, solemniter juravit, et eidem regi Johanni tanquam domino suo per cartam suam concessit, quod Alexandrum filium suum sicut hominem legium ipsius regis Johannis, per assensum suum maritaret, promittendo firmiter in eadem carta, quod idem Willielmus rex Scotorum, et Alexander filius suus filio et hæredi regis Johannis tanquam legio domino suo contra omnes homines fidem et fidelitatem tenerent. —Brompt. 1283. Hoveden (461) adds the usual clause, salvo jure suo; whether by it be meant his rights as specified in the charter of Richard (see note, p. 123), or his claims to lands in England. That this homage was considered by John and his son as liege homage for the Scottish crown, appears from the letter of Henry III. to the pontiff. —Rym. i. 334-5.

[2] See Rot. Pat. Johan. 56, 69, 76; Rot. Claus. 43, 86, 90.

[3] The money was paid pro habenda benevolentia ejusdem domini nostri.—Rym. i. 155; ii. 564, 886. Rot. Pat. 91. Ann. Marg. 14. Heming. 556. Par. 191. William's daughters were named Marjory and Isabel. Of them, their annuity of 40*l.* from the king, their clothes, and other necessaries provided at his expense, we have frequent mention in the Close Rolls, 139, 144, 145, 157; and in the Mise Roll of the 14th of John, 236—269. We find them generally in the company of the queen and the maid of Bretagne. In the next reign they were married, one to De Burgh the justiciary, the other to the earl marshal.

[4] New Rym. i. 104. Mise Roll, 232.

[5] See Vindication of the ancient Independence of Scotland, 1833, by Allen, in which this is assigned as the real cause.

2. From Scotland the king directed his attention to the concerns of the sister island. From despatches to the justiciary Meyler Fitz-Henry, it appears that Cathal or Charles O'Connor, king of Connaught, by Dermot his envoy, had offered to hold his kingdom of John by the annual payment of one hundred marks for one-third part of his barony, and of three hundred marks for the remaining two parts.[1] With the issue of the negotiation we are not acquainted; but that which principally required the interference of the king, was the lawless conduct of the English chieftains, who disobeyed his orders, and levied war on each other. With a powerful army he landed in Ireland, and proceeded to Dublin, where twenty of the native princes hastened to do him homage. From Dublin he marched into Meath; the castles of the refractory barons were reduced; and the Lacies with their associates precipitately quitted the island. John divided the English province into counties, established the observance of the English laws among the settlers, ordered the same moneys to pass equally in both countries, intrusted the government to his favourite, the bishop of Norwich, and after an absence of ten weeks returned with the expedition to England.[2] The next year led him at the head of an army into Wales. At the foot of Snowdon he dictated to Lewellyn the terms of submission, and eight-and-twenty hostages, young men of noble families, were accepted as sufficient security for the future tranquillity of the marches. A year, however, did not pass before the Welsh renewed their inroads with their accustomed barbarities. John in his resentment ordered the hostages to be hanged, and summoned a numerous army to meet him at Chester.[3] He was already on his way to join it, when he received intimation of a conspiracy among his barons to make themselves masters of his person. From Nottingham he despatched messengers to disband the army, and compelled the barons, the subjects of his suspicion, to surrender the custody of their castles to his officers, many of whom were foreigners, or to deliver to him their sons and daughters, their brothers and sisters, as hostages for their fidelity.[4]

Yet, while the king thus triumphed over his enemies, both foreigners and natives, he still looked with solicitude to the termination of his quarrel with Innocent, and laboured to ward off the blow which he well knew was meditated against him. With this view he often commenced a negotiation with Langton, or the papal envoys; and as often, with his usual versatility, refused to perform what he had promised. On other points all parties seemed to agree; the great subject of difference was the restitution to be made of the moneys which had been forcibly taken from the clergy. The pontiff proceeded with deliberation, and allowed his disobedient son time to repent. When the interdict had lasted a year, he fulminated against him a bull of excommunication; but the king maintained so rigorous a watch at the ports, that the sentence could not be officially published in

[1] Apud Brady, ii. App. 165.
[2] Paris, 193. Ann. Marg. 14. Heming. 556. Ann. Hibern. apud Camd. ann. 1210.
[3] Paris, 193, 194. Ann. Marg. 15.
[4] Proditio contra nos prolocuta.—Pat. Rolls, 94, b. Dunst. 567. This writer says that Simon de Montfort was to be king—more probably, leader of the barons. (See Rot. Pat. 94, for the disbanding of the army.) David, earl of Huntingdon, and brother of the Scottish king, was compelled not only to deliver his son and some others as hostages, but also to surrender his castle at Fotheringay.—Rot. Pat. ibid. and 132, 142. In the Mise Roll of the year is a payment of six shillings to a messenger who brought to the king the heads of six Welshmen (p. 231).

England; and his theologians maintained that, till it were published, it could have no effect.[1] But this partial advantage did not allay his apprehensions. Excommunication, he well knew, was only a prelude to the sentence of deposition; there could not be a doubt that Philip, his ancient foe, would seize the opportunity to invade his dominions; and the increasing disaffection of his barons added to his danger and perplexity. To check therefore the hostility of the king of France, he retained in his service several of the petty princes, whose territories lay on the north or south of the limits of that kingdom; and to fortify himself against the pope, he is said to have solicited the aid of Mohammed al Nassir, who had assumed the usual appellation of the emir Al Moumenim, and by his conquests in Spain had threatened to extirpate Christianity from the south of Europe. This secret negotiation was intrusted to the prudence of two knights, Thomas Hardington and Ralf Fitz-Nicholas, and of a clerk of the royal chapel, called Robert of London. On their arrival at the palace of the Moor, they were successively conducted through several apartments lined with guards, whose arms, manners, and apparel excited the wonder of the strangers. The emir himself, a man of moderate stature and grave aspect, kept his eyes fixed on a book lying before him. Having made their reverences, they presented John's letter, which was received and translated by an interpreter. It contained, if we may believe the report which was afterwards circulated, an offer of the English crown to the emir, and a promise on the part of John to embrace the Mohammedan faith. In this there is probably much exaggeration, though it would be difficult to determine the precise limits at which the desperation of a prince would stop, who with John's disposition should find himself in John's circumstances. The emir put to the envoys several pertinent questions respecting the population and strength of the kingdom, the age, prospects, and character of the king, and dismissed them with general unmeaning expressions of amity. But as they retired, he recalled Robert, and adjured him, by his respect for the Christian faith, to say what kind of man his master was. He honestly replied that John was a tyrant, and would soon be deposed by his subjects. This was the only audience which they obtained. Robert appears to have been a favourite with the king, who gave to him, as a reward for his services, the custody of several churches, especially of the abbey of St. Alban's, a charge from which he contrived to collect for his own use above a thousand marks.[2]

Four years at length elapsed, and the king's obstinacy was still unsubdued. The archbishop and other prelates presented to the pope a strong remonstrance, in which they described their own wrongs and those of the clergy and religious, John's cruelties and impenitence, and the necessity of more powerful measures to preserve the privileges, and punish the enemy, of the church. Innocent with apparent unwillingness had recourse to

[1] See Appendix, (C), at the end of the volume.

[2] This is one of the interpolations by Paris, made on the authority of Robert himself, from whose mouth Paris heard the story. There cannot be a doubt that the messengers were sent, but there is much in the original narrative which may be safely attributed to the vanity and the exaggeration of the narrator. I have ventured to remove this mission from the place assigned to it by Paris, and to insert it here, for two reasons. 1. Because it occurred during the interdict (Paris, Hist. 205. Vit. Abbat. 1044). 2. It happened before the great battle of Muradel, which broke the power of the emir, in 1212 (Paris, Hist. 206. Annal. Waverl. 176). It is inserted at the proper time in his lives of the abbots of St. Alban's, p. 1044.

the last effort of his authority. He absolved the vassals of John from their oaths of fealty, and exhorted all Christian princes and barons to unite in dethroning the king, and in substituting another more worthy, by the authority of the Apostolic See.[1]

John, however, might have laughed at the impotent resentment of Innocent, had no monarch been found willing to undertake the execution of the sentence. The pope applied to the king of France; and Philip lent a ready ear to proposals so flattering to his ambition.[2] A numerous army was summoned to meet at the mouth of the Seine; and the hopes of the invaders were strengthened by the promise of co-operation from some of the English barons. Neither did John remain an idle spectator of the storm which was gathering. His first attempt was to amuse or propitiate the pontiff. The abbot of Beaulieu with five companions proceeded to Rome. Three of them—why the other three were absent we know not—presented themselves to Innocent, and offered on the part of the king to accept the terms which he had previously refused. But on examination it was found that their powers had been made to all six conjointly, and that of course no act by a part of them could bind the monarch. The pope, however, was unwilling to lose the opportunity of reclaiming his obstinate son; and the sub-deacon Pandulph was despatched with authority to accept the king's submission, provided that before the first of June he would swear, and four barons with him, to fulfil the terms faithfully, and according to certain previous explanations.[3] In the mean while John made the most vigorous preparations to repel the invaders. By his orders every ship in his dominions capable of carrying six horses was collected in the harbour at Portsmouth; and the sheriffs of each county summoned to the coast of Kent, under the penalty of culvertage, every man able to bear arms within the limits of their jurisdiction.[4] The fleet sailed across the Channel, captured a squadron at the mouth of the Seine, destroyed the ships in the harbour of Fecamp, and burnt the town of Dieppe. But the army was too numerous for any useful purpose. All who were not bound by oath to provide themselves with a coat of mail, or breastplate of iron, or a doublet protected with iron scales, were

[1] Wend. iii. 241. Paris, 195. The reader has seen that Innocent grounded his temporal pretensions on the right which he possessed of judging of sin, and of the obligation of oaths (see note, p. 153). This doctrine, hostile as it might be to the independence of sovereigns, was often supported by the sovereigns themselves. Thus when Richard I. was held in captivity by the emperor, his mother Eleanor repeatedly solicited the pontiff to procure his liberation by the exercise of that authority which he possessed over all temporal princes.—Rym. i. 72—78. Thus also John himself had, as we have seen, invoked the aid of the same authority to recover Normandy from the king of France. At first, indeed, the popes contented themselves with spiritual censures; but in an age, when all notions of justice were remodelled after the feudal jurisprudence, it was soon admitted that princes by their disobedience became traitors to God; that as traitors they ought to forfeit their kingdoms, the fees which they held of God; and that to pronounce such sentence belonged to the pontiff, the vicegerent of Christ upon earth. By these means the servant of the servants of God became the sovereign of the sovereigns, and assumed the right of judging them in his court, and of transferring their crowns as he thought just.

[2] Paris, 195.

[3] New Rym. 108. Rot. Claus. 126. The king's messengers always took with them letters of credit for certain sums of money, which the king bound himself to repay to the lender, on the production of the letter and receipt signed by the messengers.—Rot. Pat. 69.

[4] Omnes liberos homines et servientes, vel quicunque sint, et de quocumque teneant, qui arma habere debent, vel possint, et qui homagium nobis vel ligantiam fecerunt.—Par. 196. Of these such as had no land were to serve at the king's expense. Culvertage means in plain English the penalty of being a turn-tail. The culprit was liable by law to the forfeiture of all property, and perpetual servitude, as mentioned before, p. 309.

remanded; and in a few days another reduction was found necessary, from the difficulty of supplying provisions for the multitude which remained.[1] Still the king kept under his banners sixty thousand men, "sufficient," says the historian, "to have defied all the powers of Europe, had they been animated with love for their sovereign." But the infatuated prince had laboured, during the whole contest, to alienate the affections of his subjects. The instances which are recorded of his despotism and lust almost exceed belief. This at least is certain, that he had revived in all their severity the odious laws respecting the royal forests, imposed the most arbitrary and oppressive taxes,[2] troubled and disgraced by the violence and licentiousness of his amours the most noble families, and by his suspicions and precautions, by demanding at one time the security of hostages, and exacting at others the surrender of castles, had converted the most powerful barons into implacable enemies. Among the sixty thousand men arrayed for his defence, there was hardly a native on whose fidelity he could depend.[3]

While the king lay at Ewell, near Dover, revolving in his mind the probable issue of the contest, Pandulph, an envoy from Rome, arrived on the opposite coast, and was immediately invited to England. Pandulph laid before the wavering monarch the conditions on which Innocent was still willing to receive his repentant son into favour, and to cover him with the ægis of the papal protection. Pride and resentment might forbid him to yield, but fear and superstition taught him to grasp at the offer. He was fully aware of the danger which threatened him: he knew that in his army the perfidy of some was certain, the loyalty of all was doubtful. Not long before, when he marched to Chester to attack the rebellious Welsh, he had defeated the plans of the conspirators by suddenly disbanding his army, and sheltering himself within the castle of Nottingham;[4] at present to adopt a similar expedient would be to seal the act of his deposition. But what on a mind so weak and superstitious made the most alarming impression, was the prediction of Peter the Hermit, that before the feast of the Ascension should be past (it wanted but ten days to the fatal term), John would have ceased to reign. After a long struggle, he subscribed an instrument similar to one which he had formerly rejected. By this it was stipulated, that Langton should be admitted to the archbishopric of Canterbury; that the exiles, both clergy and laity, should be restored to their lands and offices; that all persons imprisoned on account of the late quarrel should be liberated; that all outlawries should be reversed, and a promise given that such judgments should no longer be pronounced against the clergy; that full restitution should be made for moneys unlawfully seized, and injuries wantonly inflicted; and that on the fulfilment of these con-

[1] Chron. Dunst. 59.

[2] Besides his exactions from the laity, he had at his return from Ireland exacted 40,000*l.* from the Cistercian, and 100,000*l.* from the other monks.—Par. 193. There appears some exaggeration in these sums. The Annales Waverlieness reduce the 40,000 to 33,300, and those of Margan to 27,000. He had, however, the policy or cruelty to make all the religious houses give him charters in which they declared that the moneys extorted by him since his accession were free gifts, for which they did not expect to be repaid.—Ann. Waver. 173.

[3] Paris, 196-7. Of this large army a considerable portion consisted of Flemings and Welshmen. The latter amounted to 12,000 men. As the knights, native and foreign, reached Canterbury to join the army, they received gratuities from the king on the 8th, 11th, and 13th of May.—See the accounts in the Mise Roll, 263-5.

[4] Paris, 194. Ann. Marg. 16.

ditions the sentences of interdict and excommunication should be revoked, and the exiled bishops should swear at the king's pleasure to be true and faithful subjects. Four of the most powerful barons guaranteed with their oaths the performance of these stipulations on the part of John.[1]

This happened on the thirteenth of May. The next day was spent by John, his council, and the papal minister, in secret and anxious consultation. On the following morning, in the church of the Templars, the king, surrounded by the prelates, barons, and knights, put into the hands of Pandulph a charter subscribed by himself, one archbishop, one bishop, nine earls, and three barons. This instrument testified, that John, as an atonement for his offences against God and the church, had determined to humble himself, in imitation of him who for our sake had humbled himself even unto death; that he had, therefore, not through fear or force, but of his own free will, and with the unanimous consent of his barons, granted to God, to the holy apostles Peter and Paul, to Pope Innocent, and Innocent's rightful successors, the kingdom of England and the kingdom of Ireland, to be holden by himself and the heirs of his body of the bishop of Rome in fee, by the annual rent of one thousand marks, with the reservation to himself and his heirs of the administration of justice, and of all the rights of the crown.[2] He then took in the usual manner an oath of fealty to the pope; the very same oath which vassals took to their lords. He swore that he would be faithful to God, to the blessed Peter, to the Roman church, to Pope Innocent, and to Innocent's rightful successors; that he would not, by word, or deed, or assent, abet their enemies to the loss of life, or limb, or liberty; that he would keep their counsel, and never reveal it to their injury; and that he would aid them to the best of his power to preserve and defend against all men the patrimony of St. Peter, and especially the two kingdoms of England and Ireland.[3] John was now reconciled to the pope; but there still remained a source of disquietude, the prediction of the hermit. In a few days the feast of the Ascension came, it passed as usual; and on the next morning Peter and his son were hanged as false prophets. Yet they had foretold the truth. John no longer reigned as a sovereign: he was a vassal.

This transaction has heaped everlasting infamy on the memory of John. Every epithet of reproach has been expended by writers and readers against the pusillanimity of a prince, who could lay his dominions at the feet of a foreign priest, and receive them from him again as his feudatory. It was certainly a disgraceful act; but there are some considerations, which, if they do not remove, will at least extenuate his offence. Though the principles of morality are un-

[1] Paris, 197. Rym. i. 170.

[2] Paris, 199. Annal. Burt. 270. Regist. Autent. Inn. III. fol. 154. It was expressly provided, that besides the 1,000 marks, the annual payment of the Peter-pence should be continued. It amounted to 199*l.* 8*s.*, paid from the different dioceses in the following proportions, as I transcribed them ex Regist. Autent Inn. III. in the Vatican library.

	£	s.		£	s.
Canterbury.....	7	18	Exeter	9	5
Rochester	5	12	Worcester..	10	5
London	16	10	Hereford ...	6	0
Norwich	21	10	Bath	11	5
Ely	5	0	Salisbury ...	7	0
Lincoln.....	42	0	Coventry ...	10	5
Chichester	8	0	York	11	10
Winchester.....	17	8			

In a letter to his legate in England, Innocent complains that the real amount collected by the bishops was about 1,000 marks more. Probably they retained for themselves the excess above the sum originally transmitted to Rome in the Saxon times.—Rym. i. 182.

[3] See Appendix, (D).

changeable, our ideas of honour and infamy perpetually vary with the ever-varying state of society. To judge impartially of our ancestors, we are not to measure their actions by the standard of our present manners and notions; we should transport ourselves back to the age in which they lived, and take into the account their political institutions, their principles of legislation and government. 1. Now in the thirteenth century there was nothing so very degrading in the state of vassalage. It was the condition of most of the princes of Christendom. Even the king of Scotland was the vassal of the king of England, and the king of England the vassal of the king of France: the one for the lands, whatever they were, which he held of the English crown, the other for his transmarine territories; and both were frequently seen in public on their knees, swearing fealty, and doing homage to their feudal superiors. John himself had been present when William the Lion subjected the Scottish crown to the English; and it was but nine years since Peter, the king of Arragon, had voluntarily become the vassal of Innocent, and bound himself and his successors to the yearly payment of two hundred and fifty ounces of gold to the Holy See.[1] Nor were similar precedents wanting in his own family. He knew that his father Henry, powerful as he was, had become the feudatory of Pope Alexander III.; and that his brother, the lion-hearted Richard, had resigned his crown to the emperor of Germany, and consented to hold it of him by the payment of a yearly rent. John in his distress followed these examples; and the result seems to have recommended his conduct to the imitation of the Scottish patriots, who, to defeat the claim of his grandson Edward I., acknowledged the pope for their superior lord, and maintained that Scotland had always been a fief of the church of Rome.[2] 2. Neither is the blame of this transaction to be confined to the king. It must be shared with him by the great council of the barons, his constitutional advisers, the very men who two years later extorted from him the grant of their liberties on the plain of Runnymede. The cession was made by their advice and with their consent; whence it may be fairly presumed that there was something in the existing circumstances which formed in their opinion a justification both of the king and of themselves. To the king it offered this benefit; that the very power which had so nearly driven him from the throne was now bound by duty and interest to preserve him and his posterity on it against all his foes, both foreign and domestic. To the barons it offered a protector, to whom, as superior lord, they might appeal from the despotic government of his vassal. From that moment they began to demand the grant of their liberties. On his refusal they appealed by their agents to the gratitude of the pontiff, reminding him that "it was not to the good-will of the king, but to them, and the compulsion which they had employed, that he was indebted for his superiority over the English crown."[3] Innocent, however, supported the cause of his vassal; and the barons transferred their allegiance to Louis, the son of Philip. The men, who could thus place on the throne

[1] Zurita, Indicul. rer. Arrag. l. i. Trivet, 147. [2] See chap. vii. postea.

[2] Quod vos annuum reditum domino Papæ et ecclesiæ Romanæ concessistis, et alios honores quos ecclesiæ Romanæ exhibuistis, non sponte, nec ex devotione, imo ex timore, *et per eos coactus* fecistis. This passage appears to me decisive of the part taken by the barons. It is contained in a private letter to John from his agent at Rome (Rym. i. 185), who reports the assertions of the barons to the pontiff.

the heir of the French monarchy, were certainly capable of subjecting it to the feudal control of the head of their church.

The transactions at Dover were soon known on the opposite side of the Channel, and messengers from John and Pandulph were sent to announce the particulars to the king of France, who lay with a powerful army at Boulogne. At the news, his hopes of acquiring the English crown, the dream of his ambition, melted away; and his discontent exhausted itself in invectives against the selfish, perfidious policy of the pontiff. To his council he proposed to continue the enterprise; but was interrupted by Ferrand, earl of Flanders, a secret ally of the English monarch, who observed that he should not deem it a duty to follow his lord in an unjust expedition. These words excited a violent dispute; charges and recriminations were thrown from one to the other; and Philip closed the debate with a solemn declaration, that either Flanders should be annexed to the crown of France, or France should become a province of Flanders. Aware of his danger, the count immediately fled; Philip hastily followed his footsteps; Cassel, Ipres, and Bruges were reduced; and the French army encamped under the walls of the strong city of Ghent.

It was fortunate for Ferrand that the English navy lay at this moment in the harbour of Portsmouth, and was ready to put to sea. Seven hundred knights with a numerous body of infantry embarked on board of five hundred ships, and steered for the harbour of Swyne. The French fleet, which, according to the testimony of Rigord, the chaplain of Philip, amounted to more than thrice that number, had already arrived; but a part only could be admitted within the port of Damme; and the remainder had been left without any protection by the troops, who were employed in plundering the neighbouring villages. This unexpected meeting was most fortunate for the English. The French mariners opposed but a feeble resistance; three hundred sail, laden with military stores and provisions, were captured; more than one hundred were burnt; and the others maintained a doubtful combat within the port against their assailants and the inhabitants. The whole fleet might have been destroyed, had not the temerity of William the Longsword, earl of Salisbury, the English commander, induced him to divide his forces; and, by sending a part in pursuit of the plunderers, to prolong the contest till the French army arrived from Ghent. The English were now driven to their ships with the loss of two thousand men; an advantage which, however, did not indemnify Philip for the previous disaster. He had lost the means of supporting his army in Flanders, or of conveying it to England. He burnt Damme and the remains of his fleet; and after a short and inglorious campaign returned in sullen discontent to his own frontiers. Ferrand recovered his territory as far as St. Omer.[1]

The consequences of the transaction at Dover now began to unfold themselves. Elated with the success of his fleet, John determined to carry the war into France, and summoned his retainers to meet him at Portsmouth. But the principal barons refused to accompany him. He was still under excommunication. He had not fulfilled the conditions of his treaty with the pope, which they had sworn that he should fulfil. John was compelled to submit. He invited the exiles to return, promised them his favour and protection, and sent to them a sum of money for their present necessities.

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[1] Paris, 199, 200. Chron. Dunst. 61. Rigord, 54.

Langton, the bishops of London, Ely, Hereford, Lincoln, and Bath, the prior and monks of Christchurch, and their companions, gladly accepted the invitation. They met the king at Winchester; John and the cardinal embraced, and the sentence of excommunication was publicly revoked at the entrance of the cathedral. But the archbishop had previously required him to repeat his oath of fealty to the pontiff, and to swear that he would abolish all illegal customs, restore to every man his rights, and revive the laws of good King Edward; words of vague and uncertain import to the multitude, but sufficiently understood by the few who had been initiated in the secret.[1]

The king now hastened again to Portsmouth, ordered the troops to embark, and with a favourable wind set sail for the French coast. He reached the island of Jersey with a few ships; but found that none of the barons had followed him. They, under the plea that the time of their service was expired, had repaired to a council at St. Alban's, in which Fitz-Peter, the justiciary, presided. Their resolves were issued in a form of royal proclamations, which ordered the laws granted by Henry I. to be universally observed; and denounced capital punishment against the sheriffs, foresters, or officers of the king, who should exceed the strict line of their duty. If it be asked why the laws of Henry I. were substituted for those of Edward, the answer is easy. The latter could be collected only from the doubtful testimony of tradition; but it was assumed that they had been embodied in the charter which Henry had granted at his accession.[2]

Three weeks had scarcely elapsed when a second meeting was convened at St. Paul's in London. Its ostensible object was to ascertain the damages sustained by the outlaws during the late quarrel. But Langton called the barons aside, read to them the charter of Henry, and commented on its provisions. They answered by loud acclamations; and the archbishop, taking advantage of their enthusiasm, administered to them an oath, by which they bound themselves to each other to conquer or die in the defence of their liberties.[2]

In the mean time John had landed, breathing revenge against the traitors, who had abandoned their sovereign. He determined to punish their disobedience by military execution; and had advanced as far as Northampton, when he was overtaken by the primate, who reminded him that it was the right of the accused to be tried and judged by their peers. "Rule you the church," replied the king, "and leave me to govern the state." He continued his march to Nottingham, and at Nottingham he was again assailed by Langton. That prelate repeated his former observation; asserted that the barons were ready to answer in the king's court; and concluded by declaring, that if John persisted to refuse them the justice of a trial, he should deem it his duty to excommunicate every person, with the exception of the king himself, who should engage in so impious a warfare. John yielded with reluctance, and for the sake of form, summoned the accused to appear on a certain day before him or his justices.[4]

We shall now witness an important change in the politics of the pontiff. Hitherto he had supported the cause

1 Wendover, iii. 259. Paris, 201. Rym. 1. 171, 172. Annal. Waver. 178. He had already restored the landed property of the exiles, and had written to them to return, but in such manner as to excite doubts of his sincerity. See Patent Rolls, 98, 99, 100, &c.

2 Paris, 201.

3 Wend. 263—6. Paris, 202. Annal. Waver. 178.

4 Wend. 261. Paris, 201.

of the primate and barons; henceforth he will espouse the interest of the king. The cardinal Nicholas, bishop of Tusculum, arrived with the title of legate,[1] and with instructions to settle the amount of the restitution to be made to the outlaws, and, when that was done, to take off the interdict. John immediately sought to secure the good-will of this envoy. Not only did he repeat before him the oath of fealty which he had already taken in presence of Pandulph, but he did homage to him as the papal representative, and made to him the first payment of one thousand marks, as the rent of the current year.[2]

Three successive assemblies, however, were held without any result. The losses of the sufferers, whose property had been pillaged, woods felled, and houses burnt, were so enormous, that the king would not, perhaps could not, repair them. At length the demands of the inferior claimants were postponed; the payment of fifteen thousand marks relaxed the importunity of the prelates; and it was resolved by common consent, that the decision of the controversy should be referred to the equity of the pontiff. After hearing the arguments on both sides, Innocent gave an initiatory award, by which it was ordered that the king should pay to the bishops forty thousand marks, including the sums already received; that he should give security for the discharge of any other damages to be hereafter awarded by the pontiff; and that the interdict should be immediately recalled.

John, in the mean time, confident in the support of the pope, and unopposed by the contumacy of his barons, had sailed to the coast of Poitou, had been joined by the lords in the neighbourhood, and had penetrated to the city of Angers. There he was found by the messengers from Rome, who, having received his oath that he would observe the papal award, hastened to England, and revoked the interdict, after it had lasted more than six years. John immediately marched towards Bretagne; but his progress was arrested by the arrival of Louis, the son of Philip; and from that moment both armies, as it were by mutual consent, suffered the war to linger, and waited the issue of the campaign in the north. There the allies of John, Otho, the emperor of Germany,[3] Ferrand, earl of Flanders, and William, earl of Boulogne, had joined the English forces under the earl of Salisbury, and hastened at the head of more than one hundred thousand men to invade the French territory. To this torrent Philip could not oppose half the number of combatants; but the deficiency was supplied by the spirit and gallantry of his followers, the flower of the chivalry of France. The armies met at Bouvines, an obscure village on the river Marque, between Lisle and Tournay. Of the action which followed, so fatal to the prospects of

[1] Pandulph was not, as he is often called, a legate, but merely an envoy, with the title of subdiaconus Domini Papæ.

[2] See New Rymer, i. 115; the Old, i. 176. Here again we have the same mistake in the title of "forma homagii" for forma juramenti fidelitatis. As soon as Innocent received the intelligence, he wrote to signify his acceptance of the gift (Nov. 4).—See New Rym. i. 117, and Appendix, (D).

[3] Otho was son to Henry the Lion, duke of Saxony, and nephew to John. After the death of Henry VI., emperor of Germany, he opposed the claim of Philip, duke of Suabia, the brother of the deceased prince. After an unsuccessful war, he was freed from his competitor by the hand of an assassin, and obtained the imperial crown. By advancing pretensions which he had formerly abandoned, he incurred the resentment of Innocent, his former protector. He was excommunicated. Innocent and the king of France formed a league in favour of Frederic, son to Henry VI., who was crowned by the pontiff. Otho, unable to oppose his rival, retired to his patrimonial estates at Brunswick, and cheerfully entered into the league against his enemy, the French king.

John, so flattering to the vanity of Philip, I shall not pretend to give the details; a few anecdotes of the principal leaders may prove interesting to the reader. 1. Philip was at one time in the most imminent danger. Trusting to the temper of his armour, he had fearlessly rushed into the midst of the combatants; a German on foot, who espied an opening between his visor and cuirass, made a desperate push at his throat with a barbed lance; he missed his aim; but the hook caught the strap of the helmet, and the king was dragged from his horse. Though the soldier kept his hold, Philip rose on his feet. Otho hastened to overpower his enemy; while the French knights rushed forward to rescue their sovereign. After a desperate conflict he was disengaged, remounted his horse, and continued the battle. 2. The emperor could boast of having escaped from equal danger. He wielded with both hands a one-edged sword of enormous weight, and at each stroke stunned or unhorsed an opponent. During the battle he had three chargers killed under him. On one of these occasions, Du Barré, an athletic knight, seizing him round the waist, endeavoured to carry him off; nor was it without difficulty that he was liberated by the efforts of his guards. On another he received on his breast a stroke from a battle-axe, which was repelled by the strength of his cuirass. A second stroke wounded his horse on the head; and the animal, impatient of pain, wheeled round, and carried him out of the combat. 3. The earl of Salisbury chanced to meet the bishop of Beauvais. The captivity of that prelate had not extinguished his passion for fighting; but his only weapon was a club, that he might not, as he pretended, shed blood in violation of the canons. With a single stroke he brought the earl to the ground, and made him his prisoner 4. The earl of Boulogne, out of respect for the Sunday, had proposed to defer the engagement to the morrow, and had been called a coward and traitor for his advice. When his companions fled, he refused to accompany them; fought till his horse was killed; and at last, unable to rise, surrendered to De Guerin, bishop elect of Senlis, who had refused to carry arms, but at the request of Philip had undertaken to marshal his forces, and to regulate their movements. 5. But the man whose captivity afforded the king the greatest pleasure, was the earl of Flanders, his inveterate enemy. He was wounded and taken. Philip conducted him to Paris, exposed him to the derision of the citizens, and confined him in a dungeon during the rest of his reign.[1]

The defeat at Bouvines broke all the measures of John, who solicited and obtained from Philip a truce for five years, and returned from an inglorious campaign in France to a still more inglorious contest in England. On the 20th of November the barons assembled at the abbey of St. Edmund's, under the pretence of celebrating the festival of the patron saint; their real object was to mature their plan of future operations, without awakening the suspicion of the sovereign. Many secret meetings were held: the different liberties for which they were to contend were accurately defined; and it was determined to demand them in a body when the king should hold his court at the festival of Christmas. Before they separated they advanced singly to the high altar, and took a solemn oath to withdraw their allegiance, if John should reject their claims; and to levy war upon him, till he should grant them. At Christmas he was at Worcester; but whether he had received intelligence of their de-

[1] See Paris, 211; Gaguin. 1, vi.; Rigord, 61, 63; Guil. Brit. Philip, 1, x. xi.

sign, or was alarmed at the solitude of his court, he departed suddenly, proceeded to London, and shut himself up in the Temple. The confederates followed in great numbers, and on the feast of the Epiphany presented their demands. The king at first assumed an air of superiority, and insisted not only that they should recede from such claims, but should assure him under their hands and seals that they would never make them again. The bishop of Winchester, the earl of Chester, and the lord William Brewer, consented; the others obstinately refused. He had then recourse to delay; and offered, on the security of the archbishop of Canterbury, the bishop of Ely, and the earl of Pembroke, to give them a satisfactory answer at the following Easter. This proposal, after much hesitation, was accepted.[1]

The interval was spent by the king in endeavours to fortify himself against this formidable combination. He garrisoned his castles, sent to Flanders and Poitou for the foreign knights, who had entered his service; and sought at home to secure the goodwill of the clergy. Of the manner in which, according to the papal award, he had indemnified the sufferers under the interdict, that body could not reasonably complain; but his continued interference in the election of prelates was still considered by them as an intolerable violation of their rights. In the more early part of his reign it was seldom that he would consent to the appointment of a new bishop or abbot; and, when permission was at last extorted, he generally summoned the electors to appear before him or his commissioners, not that they might exercise their own judgment in the selection, but that they might do the royal bidding, and give their votes in favour of the royal nominee.[2] During the six years of the interdict many bishoprics and abbeys had become vacant; and after his reconciliation with the pontiff he ordered the chapters to proceed to new elections, but in his presence, wherever he might be, either in England or on the continent.[3] The archbishop remonstrated; a negotiation followed; and the result was, an agreement that the electors should be left to their own choice, and that, when the king was absent, the royal assent should be given by commission.[4] Though after this a few instances of free election occur,[5] in general the monarch signified his pleasure under the modest form of a request, but a request intended to operate as a command,[6] and despised the murmurs o the aggrieved, as long as he was free from alarm from any other quarter. Now, however, when he saw the lay baronage combined against him, he deemed it prudent to secure the support of the clergy; and with that view granted to them spontaneously a charter of free election, which provided that the custody of all cathedral, collegiate, and conventual churches, when they became vacant, should, as was usual, be vested in the crown; that whenever the royal licence to elect a new prelate was asked, it should be immediately granted, and that if it were refused, it should still be lawful

[1] Compare Paris, 212, 213, with the letter in Rymer, i. 184, 185. By some mistake it is placed among the records of the year 1214, but evidently relates to transactions of 1215.

[2] Ad audiendam voluntatem nostram de pastore vobis eligendo.—Rot. Pat. 48. Sciturl quod hoc de illo et de nullo alio volumus. —Ib. 61.

[3] Nos sequantur in transmarinas partes, si forte in Anglia nos non invenerint.—Rot. Claus. 150, et passim.

[4] Ibid. 160.

[5] Rot. Pat. 127.

[6] Rot. Clasu. 181. The real meaning of his requestis betrayed to us by his instructions at the same time to his commisioners, who were to be present at the election, and not to allow any one but the king's nominee to be chosen. Cujuslibet alterius personâ exclusâ.—Rot. Pat. 139.

to proceed to the election; that no influence should be used to prevent the electors from choosing whom they pleased; and that when the prelate elect was presented to the king, he should not refuse his approbation, unless lawful reasons could be assigned for the refusal. Having thus, as he hoped, mollified the clergy, he ordered the sheriffs to assemble the freemen of the different counties, and tender to them the oath of allegiance; and, to obtain for himself the security which the church gave to the Crusaders, he took the cross, and enrolled himself in their ranks.[1]

Both parties had despatched messengers to Rome, to solicit the protection of their feudal superior. But it was in vain that the barons appealed to the gratitude of Innocent; he deemed it his interest and duty to support the cause of his vassal. In a letter to Langton he inveighed against the injustice of refusing to John those rights which had been peaceably possessed by the crown in the reigns of his father and brother; insinuated that the archbishop himself was accused of being the fomenter of the disturbance; and commanded him to exert all his authority to restore harmony between the king and his vassals. In another to the barons, he reprehended them for seeking to extort by violence what they should have asked as a favour; and promised if they would behave with moderation and humility, to interpose his good offices, and obtain for them from the king whatever they could reasonably expect. In both he annulled by his own authority all confederacies formed since the pacification of Dover; and forbade, under the penalty of excommunication, any such to be formed for the future.[2]

In Easter week the barons assembled at Stamford, and with two thousand knights, their esquires and followers, proceeded to Brackley. The king lay at Oxford, and commissioned the archbishop of Canterbury, and the earls of Pembroke and Warenne, to go and ascertain their demands. They brought him back a paper of the same import with that which had been presented to him before; and, as soon as he had heard it read, he exclaimed, "They might as well have demanded my crown. Do they think I will grant them liberties which will make me a slave?"[3] The commissioners were remanded, with instructions to appeal in the first place to the pope, the feudal lord of England, and protector of all who had taken the cross; then to offer the abolition of the evil customs which had been introduced during his reign, and that of his brother; and, if this did not give

[1] Paris, 213, 221. New Rym. i. 126. I ought perhaps to have mentioned on a former occasion the privileges enjoyed by the Crusaders. The first was an exemption from the obligation of doing canonical penance. The pilgrimage to Jerusalem was taken in commutation. But this indulgence, as it was called, was confined to the sole case, when the expedition had been undertaken from motives of piety alone. If the pilgrim had interest or honour in view, he was warned that he was still subject to the ancient discipline. Quicunque pro sola devotione, non pro honoris aut pecuniæ adeptione, ad liberandam ecclesiam Dei Hierusalem profectus fuerit, iter illud pro omni pœnitentia ei reputetur.—Con. Claramon. can. ii. The second privilege was, that till their return their persons, goods, and estates were placed under the protection of the church. It was, indeed, proper that persons who ventured their lives for a cause, which was deemed the cause of all Christendom, should be exempt from vexatious exactions during their absence; but it was cruel to debar those, who had just claims against the Crusaders, from the prosecution of their rights during the same time. Many took the cross for the mere purpose of eluding the pursuit of their creditors, or of suspending the actions which had been commenced against them.

[2] Rym. i. 196, 197.

[3] It was probably the same instrument which is printed in the Leges Saxonicæ, p. 356, and in the Statutes of the Realm, i. 6.

satisfaction, to add that he was also willing to be guided by the advice of his court with respect to any grievances which might have arisen during the time of his father Henry II. By the barons these proposals were received as mere evasions; and an answer was returned, that they would be content with nothing short of their original demands. Pandulph, and Simon, bishop of Exeter, the king's advisers, contended that the primate was bound to excommunicate the barons in obedience to the order of the pontiff; but Langton replied that he was better acquainted with the intentions of Innocent; and that, unless the king dismissed the foreign troops, whom he lately introduced into the kingdom, he should think it his duty to excommunicate them, and to oppose them with all his power. As a last resource, John offered to refer the matters in dispute to four persons to be chosen by the barons, four others to be chosen by himself, with the pope for the ninth; and to abide by the decision of all or the major part of the umpires.[1] This was also refused: the barons proclaimed themselves the army of God and his holy church, and elected Robert Fitz-Walter for their commander. They immediately invested Northampton; fourteen days were wasted in fruitless attempts to corrupt the fidelity of the garrison, which consisted of foreigners; and to carry the fortress without military engines was a dangerous and hopeless task. At Bedford they were more fortunate; the governor opened the gates, and at the same moment an invitation was received from some of the principal citizens of the metropolis. They marched immediately, halted not during the night, and reached London in the morning. It was Sunday, the inhabitants were in the churches, and the gates stood open. The city was immediately occupied, and the confederates, elated with their success, despatched letters to the barons and knights, who had not hitherto declared themselves, stating their objects, their resources, and their determination to treat as enemies all who did not join "the army of God and of the holy church." This menace had the intended effect. Those who were not convinced by their arguments, yielded to the fear of their resentment.[2]

The loss of his capital proved to the king that his crown was now at stake. To retain it, he had submitted to become the vassal of a foreigner; for the same purpose, why should he not submit to the demands of his barons? They might indeed require oaths and pledges; but in his estimation oaths ceased to bind, when they could be violated with impunity, and his heart was callous to the sufferings which his perfidy might entail on his friends. He assumed an air of cheerfulness; informed the confederates that he was ready to grant their petitions; and requested them to name a day and a place for the conference. Runnymede, situated between Staines and Windsor, was the scene of this important negotiation. On the one side stood Fitz-Walter, and the majority of the barons and nobility of England; on the other sat the king, accompanied by eight bishops, Pandulph, the papal envoy, and fifteen gentlemen. These attended as his trusty advisers; but the hostile sentiments of many were equally known to him and to his opponents. The instrument containing the demands of the confederates, was presented to

[1] Compare Paris, 213, and New Rym. i. 128, with John's account in his letter to the pope.—Rymer, i. 200, 201.

[2] Paris, 214.

him, with certain securities which the knowledge of his habitual perfidy had suggested. It was required that he should disband, and send out of the kingdom, every foreign knight with his family and followers; that for two months longer the barons should retain possession of the city, and the archbishop of the Tower of London; that a committee of twenty-five barons should be appointed, with full power to decide all claims in conformity with the charter of liberties; that the freemen of every county should be at liberty, and, if they were unwilling, should receive a royal order, to swear obedience to the committee of barons, and even to take up arms at their command; that if the king violated these conditions, the city and Tower of London should be retained, and war might be lawfully levied against him; and that he should give a written promise, and the written promises of the bishops and of Pandulph, never to obtain from the pope any instrument to the prejudice of these concessions, nor to make use of such instrument, if it were obtained. From this last demand the barons were induced to recede. They contented themselves with the king's promise: the other articles, with a few modifications, were moulded into the form of a charter, and subscribed by John. Then, as they had previously "defied him," that is, publicly withdrawn their fealty, they renewed their homage and allegiance; and he, on his part, took them again for his liege men, and granted to them their former estates and honours.[1]

This charter is celebrated in history as the supposed basis on which are founded the liberties of Englishmen. It is not, however, to be considered as forming a new code of law, or even as an attempt to inculcate the great principles of legislation. Its framers meant not to disturb or improve the national jurisprudence; their only object was to correct the abuses which had grown out of the feudal customs under the despotism of the first William and his successors; and the remedies which they devised for this purpose were comprised in the charter, now *granted*, to use the language of our ancient statutes, by the king to his vassals and the freemen of the realm.

1. The first article regarded the church of England, to which John granted that it should possess all its liberties whole and inviolate; and, to show his readiness to maintain them, boasted of the charter of free election which he had signed previously to the commencement of the rupture between himself and the barons.[2]

It would have been more satisfactory if these liberties had been enumerated and described; but the instrument proceeds immediately to the redress of the grievances which pressed the most heavily on the tenants of the crown.

During the late reigns the king had been accustomed to exact arbitrary sums under the name of reliefs, to farm out the estates of his wards to the highest bidders,[3] to exercise the right of marrying the heir during his minority,[4] heiresses at any age above

[1] Paris, 215—220. Rym. i. 67. Rot. Pat. p. 143. [2] C. i.

[3] Thus Thomas de Colville gave 100 marks for the custody of the lands and children of Roger Torpel. Odo de Dammartin 500 marks for the wardship of the son of Hugh, the king's butler.—Madox, c. x.

[4] This, though it has been denied by Blackstone (ii. 5), is proved by innumerable instances. Henry III., speaking of his wards, the sons of the earls of Lincoln and Warwick, says, "maritagium eorum ad regem pertinet."—Rym. i. 441. Thomas Basset bought of King John the wardship of an heir, together with the right of marrying him to one of his own daughters.—Rot. Claus. 35. In the same manner Reginald de Pontibus bought of the same prince

fourteen,[1] and widows, if they held lands of the crown, to whomsoever, and whensoever he pleased.[2] In opposition to these abuses, it was now enacted, that the ancient reliefs should be restored, of one hundred pounds for the fee of an earl, one hundred marks for the fee of a baron, and one hundred shillings for the fee of a knight; that the guardian should receive only reasonable services for the lands of his ward during the minority; should uphold the houses and buildings; and should commit no waste of the chattels or slaves; that heirs and heiresses should not be married to their disparagement, nor without the previous knowledge of their relations; and that widows should be entitled to the undisturbed possession of their own inheritance, of their maritagium, or the lands given with them in marriage, and of their dower, or the third part of the free tenements of their deceased husband; and that they should be permitted to remain single as long as they pleased, provided they gave security not to marry without the consent of their lord.[3]

3. Custom had given to the lord a right to exact from his tenants an aid, or payment in money, in three cases, as a preparation for the knighthood of his eldest son, or for the marriage of his eldest daughter, or as a contribution towards his own ransom, if he had the misfortune to be made prisoner. This right the charter confirmed; but at the same time enacted that the amount should be *reasonable*, an expression which probably referred to a difference of custom in different parts, but from its ambiguity opened the way to great exactions on the part of the lords. In 1275 parliament put an end to such uncertainty by declaring that no reasonable aid could on any occasion exceed twenty shillings for a knight's fee, or the same sum for one hundred shillings of land in soccage. The crown, however, refused to be bound by this act, and in 1352 another act was passed, which placed the king with respect to reasonable aids on the same footwith the mesne lords.[4]

But John and his brother Richard had not been content with aids on the three legitimate occasions. They had often levied them — and also scutages, which have been already explained[5]—on occasions of the wars

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the marriage of an heir for his daughter.—Ibid. 163. On this account wards were accustomed to purchase the right of marrying whom they pleased. In that ancient document, the great Pipe Roll of the 31st of Henry I., we find Gilbert Maisnill paying to the king ten marks, and Walter Cancey paying fifteen pounds for permission, "ut ducat uxorem ad velle suum."—Mag. Rot. Pip. 8, 26.

[1] There are numerous entries in the Close Rolls, in which the king gives or sells "seisin" of the female ward with her lands.

[2] On this subject we meet with many contracts between unmarried females and the crown. Wiveron, widow of Euerwarc, gives to Henry I. four pounds of silver, and a mark of gold, ne capiat virum nisi quem voluerit.—Mag. Rot. Pip. 96. William Fitzhermer pays to him 11*l.* 13*s.* 4*d.*, ut mater sua ducat virum ad electum suum.—Ibid. 92. Lucy, relict of Ranulph, third earl of Chester after the Conquest, gives 500 marks that she may not be compelled to marry during five years.—Ibid. 110. Alice, countess of Warwick, gives security to King John, that she will neither marry nor enter a convent for twelve months (Rot. Pat. Johan. 63); and then pays him 1,000*l.* that she may remain a widow as long as she pleases.—New Rym. i. 91.

[3] Mag. Char. c. 2, 3, 4, 5, 6, 7, 8.

[4] The aid for knighthood could not be required before the young man had reached his fifteenth year, nor that for the marriage of the daughter before the maiden had reached her seventh year. With respect to the latter, the aid was looked upon as her dower; and, if the father died before her marriage, her guardian could recover it from his executors, or in their default from the heir.—Mag. Char. c. 12. Statutes, i. 35, 323.

[5] The amount of the scutage varied from two to three marks on every knight's fee.—Rot. Claus. 45, 46, 127. The aid levied in 1207 was of a shilling in every mark of the yearly value of real, and of the existing value of personal property. John appears to have farmed out this tax to some of the greater

in which they were engaged on the continent. To relieve the nation from this burthen, the charter provided that no such aids should henceforth be levied without the previous consent of the tenants of the crown in council assembled. The members composing this council were enumerated; namely, the archbishops, bishops, abbots, earls, and greater barons, who should be summoned personally by writ, and all the other tenants in chief of the crown, who should be summoned generally by the sheriff. It was added, that the summons should be issued at least forty days beforehand; that it should specify the time and the place of meeting, and the intended subject of discussion; and that, whenever all these particulars had been duly observed, the members who were absent should be bound by the determination of those who had been present.[1] The reader will observe that this was not a parliament in the present sense of the word. It consisted entirely of the king's tenants, and was to be convoked for the sole purpose of granting him a supply. The clause, however, seemed to trench so deeply on the claims of the crown, that it was expunged from the charter in the first year of the next reign, and was never afterwards restored; though it seldom happened that any sovereign ventured to violate it openly.[2]

4. Our kings seldom remained for any length of time stationary in one place; and as long as the courts of law followed the royal person, much inconvenience was experienced both by suitors and witnesses, who, on account of the several hearings frequently given to the same cause, were successively dragged to different, and often very distant, parts of the kingdom. Hence it had happened, that during the two last reigns a bench of justices had been established at Westminster to decide causes between party and party, and this institution was now confirmed by the charter, which enacted that "common pleas should no longer follow the person of the king, but be held in some certain place." By this clause the king's court, and the Court of Exchequer, which still accompanied the sovereign, were confined to the cognizance of fiscal and criminal matters; and the court which sat at Westminster, from hearing those causes in which both the parties were subjects, obtained the name, which it still bears, of the Court of Common Pleas.[3]

5. For the better administration of justice, the king granted that no man should be made judge, constable, sheriff, or bailiff, unless he were sufficiently versed in the law; that no sheriff, constable, coroner, or bailiff, should hold pleas of the crown; that no bailiff should, on his own assertion, and without the evidence of witnesses, put any man on his law; and that, as the itinerant justices made their circuits at very distant and uncertain periods,

barons, receiving from them a certain sum, and empowering them to levy the real amount on their tenants. Rot. Pat. 72. Claus. 84.

[1] With respect to this provision two things may be remarked. 1. It was not in the articles or demands originally submitted by the barons to the king; but seems to have arisen out of the conferences which were held on those articles. 2. If the reader attends to the language of the charter, he will see reason to infer, that the object of these writs was not to confer any privilege or dignity, but to prevent subsequent objections on the part of this or that baron, that he had not been consulted, and of course had not given his consent. If he did not attend after he had received the writ, his absence was his own deed, and could not avail him as an excuse. He must then stand by the determination of those who had been present. The writ imposed an obligation, but I cannot find from ancient documents that it conferred any right or dignity which the individual summoned did not previously possess in consequence of the territorial possessions which he held by barony of the crown, and for which he had done homage to the king.

[2] Chart. Hen. III. among charters of liberties, p. 16.

[3] Mag. Char. c. 17.

two justices should be sent into every county four times in the year, who, with the aid of four knights to be chosen in the county courts, should hold assizes of darrein presentment, mort d'ancester, and novel desseisin.[1] It is not improbable that the establishment of this new court gave a shock to the ancient institution of shire-motes, and was the origin of the present custom of associating other persons in the commission of the justices of assize.

6. All these were useful provisions: those which followed were still more important. The iniquitous means by which our kings derived money from the proceedings in courts of law have been noticed in the reign of Henry II. As a remedy, John was compelled to sign the following article:—"We will not sell, we will not refuse, we will not defer right or justice to any one."[2] Treading in the footsteps of the most despotic of his predecessors, he had been accustomed to arrest his vassals on the mere suspicion of their hostile intentions, to compel them to give hostages for their fidelity, to imprison them, to banish them, to ravage their lands, and to demolish their castles. He now consented that "no freeman should be arrested, or imprisoned, or disseised of his land, or outlawed, or destroyed in any manner, nor should the king go upon him, nor send upon him, but by the lawful judgment of his peers, or by the law of the land."[3] By this clause the property and liberty of the subject were protected against the tyranny and resentment of the monarch; and in the same spirit of legislation the charter proceeds to enact, that earls and barons should be amerced by their peers only, and according to the nature of their offence; that freemen should not be amerced heavily for a small fault, nor above measure for a great transgression, saving always to the freeholder his freehold, to the merchant his merchandise, and to the husbandman his

[1] Ibid. c. 45, 24, 38, 18, 19. Darrein presentment was a recognition to discover who presented the last parson to a church; mort d'ancester, whether the last possessor was seised of land in demesne as of his own fee; and novel desseisin, whether the claimant had been unjustly disseised of his freehold.

[2] C. 41. Instances of such sales and refusals have been mentioned in the history of Henry II.; others are to be found under John.—See Madox, i. 448, 452, 515, 517. In the History of Croyland is a tedious but curious account of a suit respecting the right to a marsh, between the abbot of that monastery and the prior of Spalding. It lasted the whole reign of Richard, and great part of that of John. Money was required at every step. Forty marks were given to have a trial, to put it off, to suspend judgment, &c. At last the prior gave sixty marks, when the abbot offered one hundred, and judgment was given. From the writs issued on the occasion, it appears that the judge could not proceed till security had been given for the payment of the money. Ideo vobis mandamus, quod accepta securitate de illis 40 marcis, tunc coram vobis audiri. So the justiciary writes to the sheriff: Scias quod prior de Spalding fecit nos securos per Simonem de Lima de 40 marcis; ideo summone, &c.—Hist. Croyl. 455—477. See also the Oblate Rolls in almost every page.

[3] C. 40. If the reader recollect that Henry II., for no other cause than to mortify Archbishop Becket, banished all his friends and relatives, to the number of some hundreds; and that John very lately had arrested all the relatives of Langton and the bishops his associates, had despoiled them of their goods, and thrown them into prison, though they had not been guilty of any offence (Paris, 190), he will see the necessity of this clause to check such lawless and despotic proceedings. The words "We will not destroy him, nor will we go upon him, nor will we send upon him," have been very differently expounded by different legal authorities. Their real meaning may be learned from John himself, who the next year promised by his letters patent . . . nec super eos *per vim vel per arma* ibimus, nisi per legem regni nostri, vel per judicium parium suorum in curia nostra.—Pat. 16. Johan. apud Brad. ii. App. No. 124. He had hitherto been in the habit of *going* with an armed force, or *sending* an armed force on the lands, and against the castles of all whom he knew or suspected to be his secret enemies, without observing any form of law. Thus in 1276 the peers, in conformity with this article of the charter, adjudged that the king should *go upon* Llewellyn, prince of Wales, quod *eat super* ipsum tanquam super rebellem suum et pacis suæ perturbatorem.—Parl. Writs, i. p. 5.

implements of husbandry; and that such amerciaments should be imposed by the oath of the good men of the neighbourhood.[1]

7. The king claimed on all occasions the right of pre-emption. If timber were wanted for repairs, carriages for conveyance, or provisions for himself, his household, or his garrisons, they were taken without ceremony, wherever they could be found; and a tender, or promise of payment, was made to the owner. It is easy to conceive what hardships were inflicted and what injustices committed in the exercise of this claim. As some alleviation, it was enacted by the charter, that no constable or bailiff should take the corn or goods of any person without making immediate payment, unless he obtained a respite from the free will of the owner; nor employ the horses or carts of any freeman to perform carriages without the consent of the same freeman: nor cut down another person's wood for the royal castles or other uses, without the permission of him to whom the wood belonged.[2]

8. The barons, having secured their own rights, attended to those of the cities and burghs, which had progressively risen in importance, and given their aid in the present quarrel. The charter confirmed to the capital, and to all other cities, burghs, towns, and seaports, the enjoyment of their ancient liberties and free customs by land and water; ordered the same weights and measures to be employed in all parts of the realm; and granted to foreign merchants the liberty to come into England, to reside in it, to travel through it, and to depart from it without exaction, according to right and ancient custom. The king, however, retained the power to arrest them in time of war, and to keep them in custody, as a measure of security, till it should be known in what manner the English merchants had been treated in the enemy's country.[3]

9. It was moreover provided, that every freeman should have full liberty to quit the kingdom and return to it, saving his allegiance, and unless it were in time of war. From this liberty were excepted prisoners, outlaws, and merchants from hostile states.[4]

10. The royal forests were the peculiar property of the crown. They were governed by their own laws, emanating from the sole will of the prince, and thus formed so many separate local governments in the very heart of the kingdom. That part of their code which had for its object the preservation of the deer was written in characters of blood. To kill "the king's venison," as it was called, subjected the offender to the loss of his life or members. Other laws, ostensibly intended for the preservation of the forests, but in reality for the profit of the king and his officers, created a multitude of offences, most oppressive and harassing to all who lived on the borders, or possessed property within the precincts of these inclosures. The charter professed to remedy some of the grievances which have been mentioned. It threw open all forests that had been made since the commencement of the king's reign, and appointed twelve knights to be chosen in the court of each county; empowered them to inquire upon oath into all evil customs of forests and warrens, foresters and warreners; and authorized them to abolish such customs within forty days, provided notice were previously given to the king or his justiciary.[5]

[1] C. 20, 21. C. 13, 35 41.

[2] C. 28, 30, 31.

[3] C. 42.

[5] C. 47, 48. They had also power to inquire into the conduct of the sheriffs, and other inferior officers of the crown.

11. Had the charter stopped here, the relief which it was meant to afford would, in a great measure, have been confined to the immediate tenants of the crown. The great body of freemen was composed of the subvassals of these tenants, who had suffered from the tyranny of their lords the same oppressions which the lords had suffered from the tyranny of the sovereign. As they had shared in the enterprise, they might justly expect to share in its advantages; and in their favour a clause was inserted, providing, "that every liberty and custom which the king had granted to his tenants, as far as concerned him, should be observed by the clergy and laity towards their tenants, as far as concerned them." The villeins and slaves, the most numerous class in the kingdom, were not mentioned. They, of course, could have no claim to participate in the privileges of freemen.[1]

12. To these articles others were added of a temporary nature. The king promised to restore the hostages and charters which he had obtained from the barons; to make full restitution to every man, English or Welsh, who could prove that he had been dispossessed of his lands, castles, liberties, or rights, without the legal judgment of his peers; to remit all fines and amerciaments made unjustly and against law; to give back to Llewellyn, prince of Wales, his son and hostages; and to act towards Alexander, king of Scots, with respect to the restoration of his sisters and hostages, and his liberties and rights, in the same manner as he should act towards his other barons of England, unless it ought to be otherwise, according to the charters which he had received from William, the father and predecessor of Alexander; and in these points to be guided by the decision of the peers of the Scottish prince in the king's court.[2]

Such were the chief provisions of the great charter, which for centuries was considered as the palladium of our national freedom. Most of them expired with that system for which they were calculated. But at the time they were highly useful. They checked the most galling abuses of feudal superiority; they gave a new tone to English legislation; they justified resistance to the encroachments of despotism; and, in subsequent struggles with the crown, pointed to determinate objects the efforts of the nation. By our kings, who considered the charter as wrung from them by the strong grasp of necessity, they were perpetually evaded; by the people, who deemed them the expression of their just rights, they were as often and imperiously reclaimed. It required no less than thirty-eight successive ratifications to give them in effect the full force of law,[3] a sufficient proof how much they were abhorred by the sovereign, and how highly they were prized by the nation.

During this transaction John had shown himself a perfect master in the art of dissimulation. He assumed an air of cheerfulness; he spoke with courtesy and kindness to the barons; he promised the most prompt and faithful execution of all his engagements. Writs were immediately issued to the sheriffs, to assemble the courts of the counties, to read publicly the contents of the charter, to proceed to the election of the twelve knights with power to inquire into abuses, and to receive from all freemen the oath of obedience to the

[1] C. 60. [2] C. 49, 52, 55, 58, 59.

[3] The charter was ratified six times by Henry III., thrice by Edward I. fifteen times by Edward III., six times by Richard II., six times by Henry IV., once by Henry V., and once by Henry VI.

twenty-five barons appointed conservators of the public liberties.[1] But as soon as the assembly was dissolved, he threw off the mask. In a paroxysm of rage he cursed the day of his birth, gnashed his teeth, rolled his eyes, gnawed sticks and straws, and acted all the freaks of a madman. But from this frenzy he was awakened by the officiousness of his advisers, who urged him not to waste his time in useless exhibitions of passion, but to assist in devising the most speedy means of revenge. The result of their counsels was the departure of two deputations to the continent. The one was charged to traverse Flanders, Picardy, Poitou, and Guienne, and to hire at any price adventurers to fight under the royal standard; the other hastened to Rome to implore in the king's defence the powerful interposition of Innocent, and to represent every concession extorted from the vassal as an insult offered to the authority of his lord.[2]

The barons had left Runnymede in triumph; and, to celebrate the fall of the despot, had appointed a tournament to be fought at Stamford on the second of July. But their joy was soon clouded with suspicion. John had eluded the restoration of their lands by promising to do them 'ustice in his court on a certain day; now it was ascertained that he had ordered all his castles to be provisioned and fortified; and information was received of a plot to surprise the capital during their absence at Stamford. To defeat the latter, the time appointed for the tournament was postponed, and the place was removed nearer to London.[3] To prove the king's sincerity, a deputation waited on him at Winchester. He laughed at their suspicions, swore that they were unfounded, and offered to hasten the execution of the charter in any manner which should be suggested by the archbishop. Writs had already been issued to the twelve commissioners elected in each county charging them to enter into possession of the lands, tenements, and chattels of all persons who had hitherto refused to take the oath to the twenty-five conservators; at the expiration of a fortnight, unless they had then obeyed the former order, to sell their chattels for the benefit of the fund for the expedition to the Holy Land; and afterwards to retain possession of the lands and tenements so long as the owners should persist in their obstinacy.[4] John in his turn required that, since they had promised to give him any security which he might demand, excepting their castles and hostages, they should now severally subscribe charters, declaring that they were bound by oath and homage to be true to him against all manner of men, and to defend his rights and the rights of his heirs to the crown. They refused; and the archbishop, with several prelates, gave a solemn attestation of their refusal.[5]

Another interview took place at Oxford, and the parties separated still more dissatisfied with each other.[6] The king, who sought to gain time, appointed a third conference to be held in the last week of August, which proved as fruitless as the preceding.[7] He did not attend personally, but repaired to Kent, to meet the

[1] Apud Brady, ii. App. No. 118, p. 149. New Rym. i. 434.

[2] Illatæ vobis in persona nostra injuriæ.—Rym. i. 202. Wendover (iii. 319) and Paris tell us that Pandulph accompanied the messengers to Rome. But he was certainly with the king as late as the 15th of July.—Rot. Pat. 149.

[3] Apud Paris, 222. New Rym. i. 134.

[4] Apud Brady, ii. App. No. 119, p. 150. New Rym. i. 134.

[5] Ibid. No. 134, p. 162.

[6] Matt. West. 1273.

[7] Mailros, 188. I am aware that this account differs from that of Wendover and

foreign auxiliaries who had accepted his offers. They repeatedly arrived in great numbers, either needy adventurers, who, in hopes of new settlements, had brought with them their wives and families; or soldiers by profession, who had been accustomed to sell their blood to the highest bidder. The barons were alarmed; and though they had long hesitated to recommence hostilities, ordered William D'Albiney to take forcible possession of the castle of Rochester, which had been put by the king into the hands of Langton as a pledge of his sincerity. It was without provisions or engines of war; and before D'Albiney could procure a sufficient supply of either, was surrounded by John with his mercenaries. Though the barons marched out of London, they did not venture to face the royal army; and the castle was repeatedly assailed, and as obstinately defended during the space of seven weeks. When the sappers had thrown down part of the outer wall, the garrison withdrew into the keep. By means of a mine one of the angles was shattered. John urged his men to force their way through the breach; but every assault was repulsed with loss; and the mind of the king was embittered by a succession of disappointments. Famine, at last, subdued the obstinacy of the besieged; and when D'Albiney and his companions had consumed their last meal, suddenly opening the gate, they threw themselves on the royal mercy. John ordered them to be hanged without exception; but revoked the order on the remonstrance of Sauvery de Mauleon, that the barons would retaliate. The knights he consigned to the dungeons of different castles; the prisoners of inferior rank were distributed as presents among his retainers.[1]

While the king was employed in the siege of Rochester he received the pleasing intelligence that, according to his request, the charter had been annulled by the pontiff. Innocent, enumerating the grounds of his judgment, insists strongly on the violence employed by the barons. If they really felt themselves aggrieved, they ought, he observes, to have accepted the offer of redress by due course of law. They had preferred, however, to break the oath of fealty which they had taken, and had appointed themselves judges to sit upon their lord. They knew moreover that John had enrolled himself among the Crusaders; and yet they had not scrupled to violate the privileges which all Christian nations had granted to the champions of the cross. Lastly, England was become the fief of the Holy See; and they could not be ignorant that if the king had the will he had not at least the power, to give away the rights of the crown without the consent of his feudal superior. He was therefore bound to annul the concessions which had been extorted from John, as having been obtained in contempt of the Holy See, to the degradation of royalty, to the disgrace of the nation, and to the impediment of the crusade. At the same time he wrote to the barons, restating these reasons, ex-

Paris, who tell us that John spent the day after the signature of the charter at Windsor, skulked away the next morning to the Isle of Wight, took up the profession of a pirate, and passed three months in the island, or at sea in the company of mariners.—Wend. iii. 320. Paris, 222. Yet this account cannot possibly be true. From public instruments still extant, and published by Brady, Rymer, and Hardy, it is certain that John was at Runnymede on the 19th of June, at Winchester on the 27th, at Oxford on the 21st of July, and that he resided at Dover during great part of the month of September.—See John's Itinerary by Mr. Hardy, prefixed to the Patent Rolls.

[1] Wend. 335. Paris, 225—227. Rot. Pat. p. 161. The chronicler of Dunstaple says of the knights, quos post multa tormenta per gravem redemptionem postea relaxavit (73).

horting them to submit, requesting them to lay their claims before him in the council to be held at Rome; and promising that he would induce the king to consent to whatever might be deemed just or reasonable, and would take care that all grievances should be abolished, that the crown should be content with its just rights, and the clergy and people should enjoy their ancient liberties.[1] Finding that his exhortations and his promises were equally fruitless, he ordered Langton to excommunicate the disobedient; but that prelate refused; in punishment he was suspended from the exercise of the archiepiscopal functions; nor could he, though he attended the council at Rome, mollify the pontiff, or recover the exercise of his authority. Another sentence of excommunication was then fulminated, in which the chiefs of the confederates were mentioned by name, and the city of London was laid under an interdict. Both censures were equally despised. They had been obtained, so the partisans of the barons argued, on false suggestions, and for objects not within the jurisdiction of the pontiff. He had no right to interfere in temporal concerns; the control of ecclesiastical matters only had been intrusted by Christ to Peter and Peter's successors.[2]

John had by this time assumed a decided superiority, and resolved to wreak the whole weight of his vengeance on the heads of his enemies. At St. Alban's he divided his army into two parts. The command of one was given to his brother the earl of Salisbury, with the task of spreading devastation over the counties of Essex, Hertford, Middlesex, Cambridge, Ely, and Huntingdon. He placed himself at the head of the other, and directed his march towards the north.

Alexander, the young king of Scotland, had not been less anxious than the English barons to escape from the yoke of the tyrant; but he required and obtained from them the cession of Northumberland, Cumberland, and Westmoreland, as the price of his co-operation. In October he crossed the borders, invested the castle of Norham, and received at Felton the homage and fealty of the inhabitants of Northumberland.[3] As John advanced, two powerful barons, Gilbert Fitz-Reinforth, and John, constable of Chester, were admitted to the royal favour; but they first gave hostages from their own families and the families of their principal retainers, and subscribed charters by which they bound themselves to serve the king during life; promised neither to keep the oaths which they had taken to his enemies, nor to require the execution of the charter; and submitted to the penalty of perpetual disherison, if they should ever violate these engagements.[4] But the other barons, the moment the king entered Yorkshire, setting fire to their stacks and houses, fled into Scotland, and at Melrose did homage to Alexander, who at the approach of the royal army had raised the siege of Norham. Never, we are told, since the exterminating expedition of the first William, had these provinces been exposed to such horrors as they now experienced from the vengeance of the king of England. He himself gave the example, and with his own hands set fire in the morning to the house in which he had rested the last night. The castles, towns, and villages were given to the flames. The monk of Melrose con-

[1] Rym. i. 203, 205. Par. 223—225.

[2] Rym. i. 208, 211, 212. New Rym. i. 139. Wend. 340. Par. 227, 228, 232. Ex hoc maxime quod non pertinet ad papam ordinatio rerum laicarum; cum Petro apostolo et ejus successoribus non nisi ecclesiasticarum dispositio rerum a Domino sit collata (p. 233).

[3] Mailros, 189. Lanercost, 17. Anderson's Independence of Scot. App. No. 26.

[4] Rym. i. 206.

fines his description to the neighbourhood of his own monastery, where, within the space of eight days, Morpeth, Mitford, Alnwick, Wark, and Roxburgh were entirely consumed. John declared that he would unkennel the young fox, alluding to the ruddy complexion of Alexander, and his recent attempt to acquire Northumberland; the king's foreign mercenaries pursued him into the neighbourhood of Edinburgh; and in their return they gratified the resentment of their master by reducing to ashes the towns of Haddington, Dunbar, and Berwick. But it was not with the towns only that the king warred: the miserable inhabitants were abandoned to the cruelty of his rapacious followers, without respect of age or sex, rank or profession. The tortures which they suffered are too shocking to be related. Whoever possessed anything was compelled to deliver all for his ransom. Of those who had nothing, many perished under the hands of the torturers; some by fallacious promises purchased a short respite to be succeeded by more exquisite torments. Nor were the plunderers in the south, if we may believe the monk of St. Alban's, behind their fellows in cruelty and rapacity. Wherever the royal forces could penetrate, the inhabitants fled to the forests and mountains; the labours of agriculture were suspended; and the only markets were held in the churchyards, which, as they possessed the right of sanctuary, were generally, but not always, respected by the marauders.[1]

From the walls of the capital the barons beheld the devastation of their country, but dared not hazard an attempt against the hordes of adventurers who followed the royal standard. In the north two castles alone remained in their hands; everywhere their lands had been ravaged, and then, with a liberality which cost nothing to the donor, had been granted in fee to the chiefs of the foreigners. Many days were spent in anxious debate and unmanly lamentation. They consulted and hesitated; resolved and changed their resolves; till, as a last resource, it was unanimously determined to offer the crown to Louis, the eldest son of the king of France. He was allied to the family of Plantagenet by his marriage with the niece of John; and it was presumed that the mercenaries would refuse to bear arms against the son and heir of their natural sovereign. To the ambition of Louis no offer could have been more acceptable; but, unwilling to trust himself to the doubtful faith of the barons, he demanded and received twenty-four hostages, sons of the noblest families in England. A fleet, carrying a numerous band of French knights, soon ascended the Thames; and a letter from Louis assured the confederates that he would visit them at Easter with a powerful army. It chanced that the legate Gualo, or Walter, cardinal of St. Martin's, was passing through France on his way to the British isles. He determined to prevent, if it were possible, an expedition so hostile to the views of the pontiff; and finding that his solicitations were disregarded, forbade, under the penalty of excommunication, either father or son to invade a kingdom which was a fief to the Holy See. Philip affected to hesitate; but Louis hastily turning towards him, said; "I am your liege man, Sir, for the fees which you have given me; but with the kingdom of England you can have no concern; and I put it to the judgment of my peers, whether you ought to prevent me from obtaining a crown, to which in

[1] Compare Mailros, 189, 190, and Lanercost, 17, 18, with Paris, 230—232.

right of my wife I can show a lawful title." Without waiting for an answer, he departed, and ordered his retainers to meet him at Calais.

The reader has probably been startled at the mention of this unexpected right. He will soon learn the arguments by which it was supported, arguments so weak, that they were probably advanced for the sole purpose of gaining time. The agents of Louis arrived at Rome, were introduced to the pontiff, and assured him that their master was an obedient son of the church; that he had not undertaken the expedition to carry assistance to the excommunicated barons, but solely to assert the title of his wife Blanche to the crown of England. This title they asserted to rest on the ground that John was not king by right: for, 1, he had been attainted of treason in the court of his brother Richard, and therefore was incapable by law of ascending the throne; and, 2, he had been found guilty of felony and murder by his peers in the court of his lord the king of France, and had of consequence forfeited the crown, even in the supposition of his having previously possessed a just title to it. Innocent smiled at these arguments, and requested to know how Blanche came to be the next heir? Where were the children of John or his nephew Otho, or the mother, the brother, and the elder sister of Blanche? To this question it was replied that the children of John were born after his condemnation, and could claim no right with which their father was not invested at the time of their birth; that neither could the issue of Geoffrey, duke of Bretagne, nor of Matilda, duchess of Saxony, possess any title, because that prince and princess were both dead when sentence was passed on their brother. But the queen of Castile was then living, and therefore became the true heir; and Blanche, though she was not the eldest of her children, had a right, as long as the nearer heirs were silent, to put in her claim. Louis certainly meant to conquer the English crown; but if any other person should come forward, and show a better right, he was willing that justice should be done. Such reasoning might amuse, it could not satisfy the mind of the pontiff. He waited, however, till he had received despatches from the legate, and then solemnly excommunicated Louis and his abettors. Soon afterwards he commanded the archbishop of Sens to fulminate a similar sentence against Philip; but the French bishops in a synod at Melun, resolved to disregard the papal mandate, on the ground that the pope had not been truly informed. That Innocent would have launched his anathemas against their disobedience cannot be doubted; but in a few weeks that active and fearless pontiff expired; his death suspended all ecclesiastical proceedings at Rome; and John saw himself deprived of his most powerful friend at a moment when he stood in the greatest need of his protection.

At the appointed time Louis departed from Calais with a fleet of six hundred and eighty sail. The weather was stormy, and dispersed the ships; many were taken by the mariners of the cinque ports; and John with a numerous army lay in the vicinity of Dover. But his heart failed him at the approach of the enemy; he feared that his mercenaries might desert; decamped on a sudden, and ravaging the country as he passed, retired through Winchester to Bristol, where he was joined by the legate. The French prince, having waited three days for the stragglers, landed at Sandwich, be-

[1] Paris, 236. West. 276.

sieged and reduced the castle of Rochester, and hastened his march to the capital. He was received in procession by the barons and citizens, and conducted to St. Paul's, where, after he had made his prayer, he received the homage of his new subjects, and took a solemn oath to govern them by good laws, to protect them against their enemies, and to reinstate them in their former rights and possessions.[1] By his affability Louis charmed the natives, and won their confidence by appointing Simon Langton, the brother of the primate, to the office of chancellor. The campaign was opened with the fairest promise of future success. All the counties in the neighbourhood of the capital submitted; the men of Lincolnshire and Yorkshire, with the king of Scots, declared in his favour; the foreigners who had hitherto swelled the army of John began, with the exception of the natives of Gascony, either to join his standard, or to return to their homes; and at his summons several of the royal barons, perhaps through fear of his power, perhaps with the view of spreading disaffection among his adherents,[2] hastened to do him homage, and to swear fealty. Still the spirits of John were upheld by the arrival of Gualo, who fought most manfully with his spiritual weapons, and by the knowledge that, if his rival had gained possession of the open country, yet every fortress of importance was garrisoned by his own troops. To reduce these fortresses was the next object of the confederates. Louis besieged the castle of Dover; the barons, under the earl of Nevers, that of Windsor. The prince had received from his father a military engine of the most formidable description, called the mal-voisin, or bad neighbour, with which he expected to make a breach in the walls. But the garrison kept him at too great a distance, compelled him to turn the siege into a blockade, and employed him in this useless project during the space of four months. The tediousness of the siege was partially relieved by the arrival of a royal vassal, Alexander, king of Scots, who in consequence of a summons to that purpose, after the reduction of Carlisle, marched through the heart of the kingdom within sight of John, visited Louis at Dover, obtained a confirmation of the cession made to him by the barons, did homage in London, and returned to his own country without molestation.[3]

While his enemies lay before the two castles, the king had improved the opportunity to pillage their estates, and intercept their supplies. He was at Wallingford, when the barons, by the persuasion of the earl of Nevers, whom they afterwards charged with perfidy, undertook to surprise him. They raised the siege, and marched rapidly to Cambridge;

[1] Paris, 237. Chron. Dunstap. 75. In the New Rym. i. 140, we have the manifesto of Louis in support of his claims, in which we are told that judgment of treason had been pronounced against John by Hugh Pudsey, bishop of Durham, in the court of King Richard. It is moreover asserted that he had repeatedly confessed the murder of Prince Arthur; that he had succeeded to the throne, not by hereditary right (for that he had forfeited by his treason), but by election; that he had afterwards subjected the kingdom, as far as lay in him, to the pope, without the consent of his barons; that he had next agreed that if he infringed against the rights of the barons, they should be at liberty to withdraw their fealty to him; and that they, provoked by his subsequent tyranny, had actually deposed him, and chosen Louis; whence it followed that Louis, both by inheritance and election, was king of England.

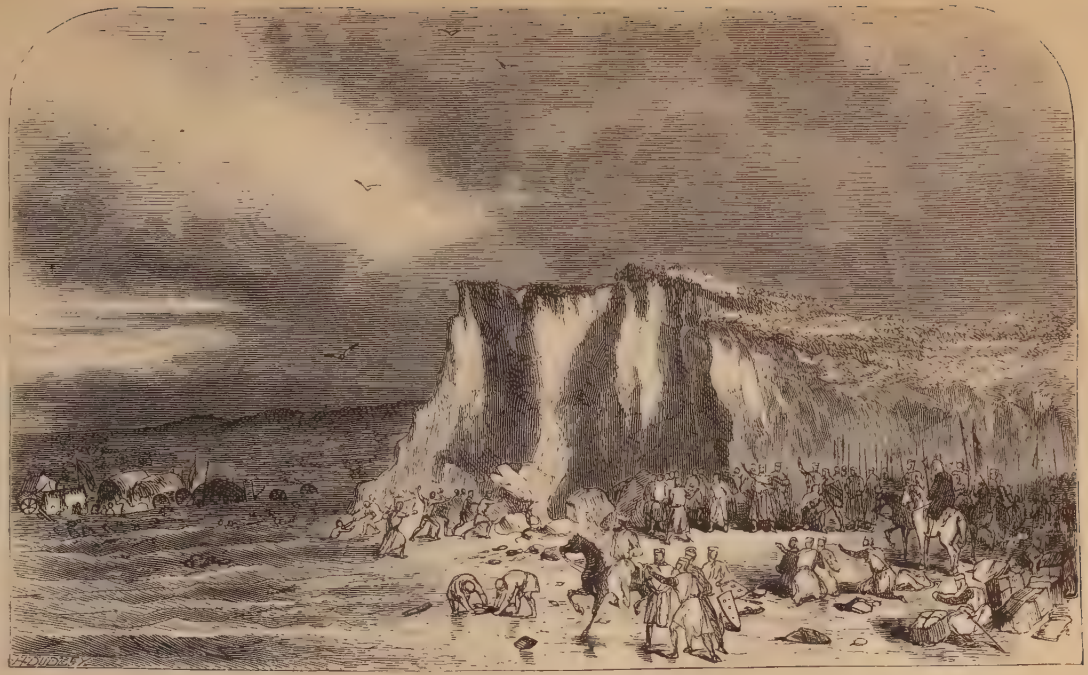
[2] Mailros, 191. Among them was John's brother William, earl of Salibsury. But his desertion was the effect of resentment; quia ei innotuit dictum Joannem regem cum ipsius uxore rupto fœdere naturali commisisse incestum.—Gul. Armor. 90.

[3] Mailros, 191. Paris, 241. Dunstap. 76. Anderson's Independence of Scot. App No. 26.

but the king, anticipating their object, had already passed through that city, and retired as far as Stamford. Foiled in this attempt, they returned to join Louis at Dover, while John reduced Lincoln, and again distributed among his followers the lands belonging to the confederates. The royal cause began to assume a more promising aspect. The two last months had been wasted in idleness by the French prince; the men of the cinque ports perpetually intercepted his supplies from France; associations against him had been formed in Hampshire, Sussex, Surrey, and Kent; and John, to invigorate the efforts of his friends, had not been sparing of promises to enlarge the privileges of those who were free, and to bestow liberty and rights on those who were not.[1] Louis, by grants to his own countrymen, particularly of the earldom of Winchester to the count de Nevers, and of that of Lincoln to Gilbert de Gand, had alarmed the English barons;[2] and it was whispered that the viscount de Melun had confessed on his deathbed that he had sworn with the prince and fifteen others to treat the natives as men whose perfidy to their late was an earnest of future perfidy to their new sovereign.[3] They became jealous of their allies; several barons and knights actually joined, and forty others, on the promise of pardon, offered to join, the royal standard.[4] The king returned from Lincoln through Grimsby and Spalding to Lynn, a town strongly attached to his interests, and the general depôt for his supplies and treasures. Thence he marched to Wisbeach, and resolved to proceed athwart the Wash from the Cross Keys to Fossdike. The army had already reached the land; but looking back, John beheld a long train of waggons and sumpter-horses, which carried his jewels, insignia, and money, swallowed up in a whirlpool, caused by the afflux of the tide and the current of the Welland. With a heavy heart he proceeded to the Cistercian convent of Swineshead, where fatigue or anxiety, or poison, or a surfeit (for all these causes are mentioned[5]), threw him into a dangerous fever. He set out, however, in the morning; but was obliged to exchange his horse for a litter, and was conveyed with difficulty to the castle of Sleaford. There he passed the night, and dictated a letter to the new pope, Honorius III., recommending in the most earnest terms the interest of his children to the protection of that pontiff.[6] The next day conducted him to the castle of Newark; where, sensible of his approaching fate, he sent for a confessor, appointed his eldest son Henry to succeed him, and executed a short will, by which he left the disposal of his property to the discretion of certain trustees, and his body to be buried at Worcester, near the shrine of St. Wulstan. He expired three days later, in the forty-ninth year of his age, and the seventeenth of his reign.[7]

When Giraldus delineated the characters of the four sons of Henry, John had already debased his faculties by excess and voluptuousness. The courtly eye of the preceptor could indeed discover the germ of future excellence in his pupil;[8] but

[1] Rym. i. 214. Rot. Pat. 124.
[2] Paris, 240. Dunst. 76.
[3] Paris, 241.
[4] Paris, 242. Dunst. 78. In detailing the motions of the king I have deserted Paris, who is evidently mistaken, and have adopted the route and dates which Brady has extracted from the rolls.—Brady, ii. 514. Mr. Duffus Hardy has since published a most valuable itinerary of John in his preface to the Patent Rolls.
[5] Paris, 242. West. 276. Wikes, 38. Waverl. 182. Heming. 560.
[6] Apud Raynald, i. 231.
[7] Paris, 242. West. 276. New Rym. i. 144.
[8] Girald. 753.



LOSS OF THE TREASURE IN THE PASSAGE OF THE WASH BY KING JOHN, 1216.

history has recorded only his vices; his virtues, if such a monster could possess virtues, were unseen or forgotten. He stands before us polluted with meanness, cruelty, perjury, and murder; uniting with an ambition which rushed through every crime to the attainment of its object, a pusillanimity which often, at the sole appearance of opposition, sank into despondency. Arrogant in prosperity, abject in adversity, he neither conciliated affection in the one, nor excited esteem in the other. His dissimulation was so well known, that it seldom deceived; his habit of suspicion served to multiply his enemies; and the knowledge of his vindictive temper contributed to keep open the breach between him and those who had incurred his displeasure. Seldom perhaps was there a prince with a heart more callous to the suggestions of pity. Of his captives many never returned from their dungeons, if they survived their tortures, they were left to perish by famine. He could even affect to be witty at the expense of his victims; when Geoffrey, archdeacon of Norwich, a faithful servant, had retired from his seat at the Exchequer on account of the interdict, the king ordered him to be arrested, and sent him a cope of lead to keep him warm in his prison. The cope was a large mantle, covering the body from the shoulders to the feet, and worn by clergymen during the service. Wrapped in this ponderous habit, with his head only at liberty, the unhappy man remained without food or assistance till he expired.[1] On another occasion he demanded a present of ten thousand marks from an opulent Jew at Bristol, and ordered one of his teeth to be drawn every morning till he should pay the money. The Jew was obstinate; the executioners began with his double teeth; he suffered the loss of seven, but on the eighth day solicited a respite, and gave security for the payment.[2]

John was not less reprehensible as a husband than he was as a monarch. While Louis took from him his provinces on the continent, he had consoled himself for the loss in the company of his beautiful bride; but he soon abandoned her to revert to his former habits. The licentiousness of his amours is reckoned by every ancient writer among the principal causes of the alienation of his barons, many of whom had to lament and revenge the disgrace of a wife, or daughter, or sister. Isabella, to punish the infidelity, imitated the conduct of her husband. But John was not to insulted with impunity. He hanged her gallants over her bed.[3] She bore him three sons, Henry,

[1] Paris, 192. Chron. Dunst. 57.

[2] Ibid.

[3] See Paris, 275; West. 276; Girald. 812; Heming. 557, 558. These statements of the chroniclers may, after all, have no other foundation than the unauthenticated scandal of the day. There is, indeed, on the Patent Rolls an entry which, as Mr. Hardy observes (Rot. Pat. xiv.), may show that she had lost the confidence of the king. Theodoric Tyes is ordered to go with her to Gloucester, and to keep or guard her (custodiatis) in the chamber in which the princess Joan was nursed.—Rot. Pat. 124. But in the accompanying order to the sheriff there is nothing to justify the suspicion that she was a prisoner. He is to receive them and take care that the queen be in the chamber already mentioned.—Rot. Claus. 180. It appears to me, from a diligent comparison of the dates to the entries on the rolls, that the king, as he was always on horseback, and moving from one place to another, in order to spare the queen the fatigue of accompanying him, sent her beforehand under the care of Theodoric, and by easy stages (per rationabiles dietas,—Rot. Claus. 177) to some castle in which he might again meet her. When he went to France in 1214 he left her under the care of the abbot of Beaulieu, sent for her to Poitou (June 19), and on his return to England (Oct. 15), took her with him to Writtle in Essex. Thence (Nov. 3) Theodoric was ordered to accompany her to Gloucester, as is already mentioned, where the king joined them soon afterwards. From Gloucester she went to Winchester, to Marlborough, and to Bristol,

Richard, and Edmund; and three daughters, Jane, Eleanor, and Isabella. His illegitimate children were numerous. Nine sons and one daughter are mentioned by historians.

CHAPTER VI.

HENRY III.

CONTEMPORARY PRINCES.

Emp. of Germ.	*K. of Scotland.*	*K. of France.*	*K. of Spain.*
Otho IV..... 1218	Alexander II ... 1249	Philip Augustus 1223	Henry I 1217
Frederic II..... 1250	Alexander III.	Louis VIII..... 1226	Ferdinand III. 1252
Interregnum of 22 years 1272		Louis IX..... 1270	Alphonso X.
		Philip III.	

Popes.

Honorius III. 1227. Gregory IX. 1241. Celestin IV. 1241. Innocent IV. 1254. Alexander IV. 1261. Urban IV. 1264. Clement IV. 1268. Gregory X.

CORONATION OF HENRY—DEPARTURE OF LOUIS—RIVALSHIP OF THE MINISTERS—FALL OF HUBERT DE BURGH—DISPUTES WITH SCOTLAND—WITH WALES—WITH FRANCE—PAPAL CLAIMS—TALLAGES—PROVISIONS—ACCEPTANCE OF THE CROWN OF SICILY—CONTROVERSY BETWEEN THE KING AND BARONS—PROVISIONS OF OXFORD—BATTLE OF LEWES—VICTORY OF EVESHAM—DEATH OF THE KING—COMMONS IN PARLIAMENT—LAWS AND POLICE—ENGLISH BISHOPS.

HENRY of Winchester had just completed his tenth year, when he found himself, by the sudden death of his father, in possession of the title, but with little of the power, of a king. In the capital and the opulent provinces of the south Louis reigned almost without an opponent; in the other counties his partisans were the more active, and his cause the more popular; and on the west and north the princes of Wales and the king of Scotland had acknowledged his authority, and become his vassals. Still the son of John could depend on the swords of the barons and foreigners, who had remained faithful to his father, on the powerful protection of the Holy See, on the wavering disposition of the natives who adhered to his rival, and on the pity which would naturally be excited by his youth and innocence. On the tenth day after the decease of the late monarch he was led to the abbey church of Gloucester; and having taken the oath usually administered to the English kings, and sworn fealty to Pope Honorius, was crowned by the legate Gualo, and the bishops of Winchester, Exeter, and Bath; who placed on his temples a plain circle of gold in lieu of the crown, which had been lost with the rest of the royal treasures. The next day a proclamation was issued, in which the new king,

always in the company of Theodoric, and was at all these places occasionally visited by her husband. The German, who was the king's most intimate favourite, may have been a spy on her conduct; but he always appears in these documents as the chief officer in her service. He gives directions for gowns for her and her maids, orders necessaries for her household, and receives money for her use.—See Rot. Pat. 117, 136, 192; Rot. Claus. 238, 242, 286.

lamenting the dissension between his father and the barons, a dissension which he would for ever dismiss from his memory, promised to all his subjects a full amnesty for the past, and their lawful liberties for the future; required the tenants of the crown to do homage and swear fealty to himself as their legitimate sovereign; and forbade any person to appear in public during the next month without a white fillet round the head in honour of his coronation. The care of his person was intrusted to the earl of Pembroke, earl marshal, with the title of guardian of the kingdom.[1]

A great council had been summoned to meet in a fortnight at Bristol, and was attended by all the bishops and abbots, by several earls and barons, and by many knights, who took the oath of allegiance, and performed the feudal ceremony of homage. But the great object of the meeting was to reconcile the claims of the crown with those of the subject, to satisfy the demands of the adverse barons, without trenching too deeply on the royal prerogative. For this purpose the great charter was revised, and cut down from sixty-one chapters to forty-two. 1. Every clause of a temporary nature, or which personally regarded the late king and his opponents, was struck out. 2. Several clauses were omitted which appeared to bear hard on the ancient claims of the crown; particularly those which related to the right of levying aids and scutages, and of convoking the great council; which abolished the abuses of forests and foresters, warrens and warreners, sheriffs, bailiffs, and other royal officers; which required notice to be given to the relations before the marriage of the heir; which granted the liberty of egress out of, and ingress into the kingdom; and which allowed the goods of persons dying intestate to be divided among their relations, after the payment of their just debts. But it was distinctly stated that these provisions had not been repealed. Their operation was only suspended till they could be submitted to the consideration of a full assembly of the barons of both parties.[2] 3. Some improvements were introduced; the lord was forbidden to assume the custody of the person and lands of the heir till he had received the homage of his ward; because, before that homage he was not bound to defend the interest of his vassal. All the provisions respecting wardships were extended to the custody of vacant benefices, with this exception, that such custody should not be sold. The rate at which carriages might be taken for the king's use was fixed;[3] and some regulations were added respecting the payment of his debts. The ratification of the charter in this form was received with gratitude by the royalists; nor was it violently condemned by their opponents, when they learned that the clauses which had been omitted were still reserved for future discussion.[4]

If Louis had rejoiced at the death of John, he now discovered that the son would prove a more formidable competitor than the father. The youth and innocence of Henry excited universal compassion. John indeed, it was said, had been a tyrant; but what crime had the prince com-

[1] Rym. i. 215. Paris, 243. Wikes, 38.

[2] Quia quædam capitula in priore charta continebantur, quæ gravia et dubitabilia videbantur, scilicet de scutagiis . . . placuit supradictis prælatis et magnatibus ea esse in respectu, quousque plenius consilium habuerimus.—Mag. Char. 1 Hen. III. c. 42. Chart. of Liberties, p. 16.

[3] Hence it appears, that the hire of a cart with two horses was antiquitus 10d.—with three horses 14d. per day.—Mag. Chart. c. 23.

[4] Compare the charter of the 17th of John with that of the 1st of Henry. See also Rym. i. 215.

mitted, that he should forfeit the crown, to which he was born? His rival was a Frenchman, who daily betrayed an unjust partiality in favour of his countrymen. Even now, while his success depended on the efforts of his English adherents, many a native saw with indignation the honours which he claimed as a right bestowed as a reward by this foreign prince on his foreign retainers. To aid such favourable impressions, and to foment the jealousy and discontent of their adversaries, became the policy of Gualo and Pembroke. To all who returned to their allegiance their former liberties were confirmed; tales of the arrogance of the French, and of their contempt for the natives, were industriously circulated; the report of a conspiracy against the chief of the English nobility was revived and believed; and the minds of men were awed and confounded by the weekly repetition of the excommunication fulminated against Louis and his adherents. Neither did the pontiff forget the interests of his young vassal. By his letters he stimulated the zeal of the legate, and sought to awaken sentiments of loyalty in the barons. To justify their rebellion, he observed, that they had formerly alleged the tyranny of John. But that plea must now be abandoned. The tyranny of John had perished with the tyrant; and, if they persisted to oppose the succession of his son, they would prove that their former assertions were but pretences, and that they had been actuated by motives which they were ashamed to avow.[1] By these means a revolution was gradually wrought in the public mind to the advantage of Henry; and the hopes of the royalists were cheered by the return of the earl of Salisbury and of several knights, who came to swear fealty to their native sovereign. Even William D'Albiney, as soon as he had recovered his liberty by the payment of six thousand marks, unfurled the royal standard.[2]

Louis had at last raised the siege of Dover, and, to compensate himself for the loss of his time at the foot of that fortress, had taken the two castles of Hertford and Berkhamstead. Pembroke surrendered to him two others as the price of a truce till the festival of Easter: a suspension of hostilities equally useful to both parties. The French prince employed the interval to revisit the continent, and collect a numerous band of auxiliaries; the marshal profited by his absence to detach more of the confederates from his interests. At the termination of the armistice hostilities recommenced with the siege of Montsorel by the royalists. To relieve the fortress, the confederate army, to the number of six hundred knights and twenty thousand men, marched from London under the command of the count of Perche. Its route was marked by every kind of excess, particularly on the part of the foreign infantry, whose nakedness was clothed, and poverty enriched, at the expense of the natives. The royalists did not wait their approach; and the confederates, instead of pursuing the fugitives, entered Lincoln amidst the acclamations of the inhabitants, and besieged the castle, which was gallantly defended by a celebrated heroine, Nichola de Camville. Pembroke immediately summoned the tenants of the crown to meet him at Newark, and was able to number among his followers four hundred knights with their esquires, two hundred and fifty cross-bowmen, and a numerous body of infantry. Three days were employed in marshal-

[1] Ep. Honor. apud Raynald. 232.

[2] Paris, 245. Dunstap. 78, 79. Rym. i. 216.

ling the army, and in performing the duties of religion; for the legate had given a religious character to the expedition. He exhorted the soldiers to fight for their God, their king, and their country; excommunicated all their opponents; and imparted to the combatants the privileges usually granted to the crusaders. They marched from Newark in seven divisions, with white crosses sewed on their breasts; the bowmen kept a mile in advance, and the baggage a mile in the rear. This disposition deceived the confederates, who, taking the baggage for a second army, unwisely shut themselves up within the walls, and at the same time, by way of bravado, made a brisk assault on the castle. But the bowmen, who had been admitted by a postern into the fortress, thinned with their arrows the ranks of the assailants, and, by killing the horses of the knights, laid them in their armour on the ground. The rest of the royalists wheeling round, burst open, after a sharp conflict, the northern gate; and at the same moment a sortie was made from the castle. Dismay and confusion now spread through the ranks of the barons. The most spirited, unable to withstand the torrent that rushed into the city, were carried before it; the crowd ran to the opposite portal, but the narrow and winding passage was soon choked, and the fugitives were compelled to recoil on the pursuers. The meaner combatants met with no mercy; but little noble blood was spilt by the victors, who, prompted by relationship or the hope of ransom, sought not to slay, but to capture their enemies. The count of Perche alone lost his life. He fought in a churchyard, till his horse was killed; and, when a voice called out to him to accept of quarter, he replied with an oath that he would never surrender to an English traitor. Irritated by the reproach, a soldier thrust his pike through the eye of the count's visor, into his brain. The number of the captives amounted to three earls, eleven barons, and four hundred knights. Two hundred others escaped by different roads to London; the foot-soldiers, seeking to follow them, were massacred by the inhabitants of the villages which lay in their route.

This victory, which secured the crown on the head of the young king, was called in the quaint language of the time, "the fair of Lincoln." There were few of the conquerors who were not enriched by it. As soon as resistance ceased, the city, which had long been distinguished by its attachment to the barons, was given up to pillage. Even the privileges of the churches could not save them from the rapacity of the royalists. But the fate of the women and children was more deplorable. When the gate was forced, they crowded for security into the boats on the river. Some sank under the weight, others were lost by mismanagement; and of the fugitives the greater part were drowned.[1]

The destruction of his army confined Louis within the walls of London; where, though he had built up all the gates except one, and had compelled the citizens to renew their oaths of allegiance, he was perpetually alarmed with the discovery of conspiracies against him. His only hope rested on the exertions of his consort, Blanche of Castile, who in person solicited aid from the most powerful of the French nobles. At length an armament of eighty large vessels, besides galleys and smaller ships, put to sea from Calais under the command of the celebrated pirate Eustace le Moine. To oppose this formidable fleet Hubert de Burgh, the justiciary, had collected forty sail from the cinque ports; but the disparity of

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1 See Paris, 247—249; Dunstap. 80—82; Waverley, 183; Mail. 94; Gul. Armor. 90.

force was so alarming, that several knights refused to embark, under the pretence that they were not acquainted with the manner of naval engagements. Nor was Hubert himself unaware of the danger. Before his departure he received the sacrament in private, and gave the most positive orders that the castle of Dover should not be surrendered to the enemy on any terms, not even to save his own life, in the event of his being made prisoner. The English were soon in sight of the French, sailed past them, as if their object were to surprise Calais, and suddenly tacking, bore down in a line on their rear. The bowmen and archers began the engagement with a volley of arrows; as soon as the ships came in contact, they were fastened together with chains and hooks; powder of quicklime was scattered in the air, that it might be carried by the wind into the eyes of the enemy; and the English, leaping on board with axes in their hands, rendered the ships unmanageable by cutting the rigging. The French, unaccustomed to this manner of fighting, made but a feeble resistance; and only fifteen vessels out of the whole number escaped. One hundred and fifteen knights with their esquires, and more than eight hundred inferior officers, were taken. Eustace, who had secreted himself in the hold of his ship, offered a large sum for his ransom; but Richard Fitzroy, one of John's illegitimate children by a daughter of the Earl Warenne, spurned the proposal, and instantly struck off his head, which was afterwards carried on a pole from town to town, as a proof of the victory.[1]

With this fleet perished the hopes of Louis, who, on the approach of the royal army, gladly accepted the offer of an accommodation made by the legate and the earl marshal. It was agreed that he should give back to the English barons their fealty and homage, and then Henry should grant to them a full amnesty on their return to their allegiance; that peace on similar terms should be offered by Henry to the king of Scots and the prince of Wales; and that arrangement should be made for the discharge of debts, and the ransom and liberation of prisoners of war.[2] This is what appears on the face of the instrument interchanged between the parties; but in addition, Henry paid to Louis the sum of ten thousand marks to enable him to discharge his debts; and Louis made, so we are told, a promise to Henry, confirmed by oath, that on his accession to the French throne he would restore all the provinces which formerly belonged to Henry's father; a promise which indeed was the most that could be given by a prince not yet in possession, but which it was plain that he would not have the will, when he came into possession, or, if he had the will, would not have the power, to execute.[3] After the departure of Louis with his countrymen, the king of Scotland was the first to take advantage of the pacification. He "came to the faith and service" of the young king, and did his devoir to him at Northampton.[4] Llewellyn after some hesitation followed his

[1] Paris, 250, 251, with the var. lect. Waverley, 183. Mailros, 193. Gul. Armor. 90. Lanercost, 24.

[2] Rym. i. 221.

[3] Paris, 251. Rot. Claus. 360, 369, 377, 381, 415, 465. Louis and his followers at their departure were absolved by the legate from all ecclesiastical censures, on condition that *he* should give the tenth of his income for two years, *they* the twentieth of theirs, towards the support of the Christians in the Holy Land. This regarded the laymen; the clergymen, for having celebrated in defiance of the interdict, were condemned to go seven times in the first year into the choir of the cathedral before mass, déchaussez et en cheminse, tenant des verges, et seront fustigez par le chantre.—Thres. des Chartes, 113.

[4] Rym. i. 224. Alexander rex Scotiæ venit

example, and did homage to his sovereign lord at Worcester.[1]

The departure of Louis secured the crown to Henry; but the young king had not a single relation to whom he could recur for advice, or to whom he might intrust the care of his interests. Even the queen-mother, who by her misconduct had already forfeited the confidence of the nation, abandoned her son to hasten back to France, and marry her former lover, the count of La Marche. But Honorius, as feudal superior, declared himself the guardian of the orphan, and commanded Gualo to reside near his person, watch over his safety, and protect his just rights. The legate discharged his trust with fidelity, and found in the earl marshal a coadjutor actuated by the same zeal, and concurring in the same sentiments. The itinerant justices were ordered to summon all knights and freemen to their courts, and to administer to them an oath, that they would keep the king's peace, observe the good laws and rightful customs of the realm, and at command of the king and council assemble and oppose the enemies of the king and kingdom.[2] The charter was again confirmed, but with additional alterations. It was provided that the widow should have for her dower the third part of all the lands which had belonged to her husband during the coverture, unless she had been endowed with a smaller portion at the door of the church; that no freeman should lawfully alien so much of his land, as to render himself incapable of performing his services to the lord of the fee; and, as a check on alienations in mortmain, that no one should give his lands to a religious house, to hold it again of the same house; nor, on the other hand, should any religious house receive lands, to lease them out to the donor. Assizes of darrein presentment were sent back to the justices of the bench; the county courts were ordered to be held only once a month; the sheriff's tourn only twice in the year; and the view of frankpledge only at Michaelmas. Lastly, it was enacted that all men should enjoy equal liberties: that escuage or scutage should be levied in the same manner as in the reign of Henry II.; and that every castle built or rebuilt since the commencement of the civil war should be demolished immediately. At the same time the chapters regarding the forests and warrens were withdrawn, to form a new instrument, called the Charter of Forests. By this all forests inclosed since the death of King Richard were thrown open; all outlawries for offences of the forest incurred within the same period were reversed; the punishment for killing the king's venison was commuted into a heavy fine or a year's imprisonment: the courts of the foresters were regulated, unjust tolls abolished, and the right to cultivate and improve their own lands was confirmed to the holders of estates within the royal forests.[3] In addition, to prevent the diminution of the revenue, a law was passed prohibiting the king's ministers, during his minority, to put the great seal to any charter or letter of confirmation or sale, or alienation, or gift in perpetuity, and declaring beforehand all such instruments invalid and of no effect.[4]

The late contest had generated a spirit of insubordination, which bore with impatience the restraint of legitimate authority; and the barons of the two parties frequently betrayed

ad fidem et servitium nostrum, et nobis fecit quod facere debuit.—Rot. Claus. 348.

[1] Rym. i. 225, 226.

[2] Dunst. i. 86. Gualo is called the king's tutor et custos.—Abbrev. Placit. 105. Rot. 3.

[3] Brady, ii. App. No. 145. New Rym. 150.

[4] New Rym. No. 146. Chart. of Liber. p. 17—21.

the animosity which still rankled in their breasts, by deeds of outrage or messages of defiance. The legate and marshal sought to heal these wounds by conciliation. Minor transgressions were prudently overlooked; but they visited with severe punishment those excesses the neglect of which would have argued weakness or timidity on the part of the administration. By degrees tranquillity was restored; and in the autumn Gualo returned to Rome. He was succeeded by Pandulph, who followed the example of his predecessor, and watched with solicitude over the interests of the young king. His presence was rendered the more necessary by the death of the earl marshal; after which the exercise of the royal authority was intrusted to Hubert de Burgh, the justiciary, and the custody of the royal person to Peter des Roches, bishop of Winchester. With the former the reader is already acquainted; Des Roches was a Poitevin, who had enjoyed the confidence of John, and more than once had been appointed by him guardian of the kingdom. These ministers were rivals; if the justiciary possessed a greater share of power, the bishop enjoyed more opportunities of cultivating the friendship of his pupil; and, while the one sought the support of the native families, the other proclaimed himself the protector of the foreigners whom the policy of John had settled in the island. The presence of Pandulph was a constant check on the ambition of these rivals; by his letters and speeches he reproved their negligence, and stimulated their industry; and by his advice the justiciary and chancellor were made to swear that during the minority they would not dispose of any of the great fiefs of the crown. He repaired to Wales, and restored peace on the borders; he met the king of Scots at York, and negotiated a peace between the two kingdoms; and by his letters and services he greatly contributed to prolong the truce between England and France.[1] As doubts had been raised respecting the coronation at Gloucester, that ceremony was again performed with the accustomed solemnity by the archbishop, who, with the permission of Honorius, had returned to England; and the next year Alexander of Scotland married at York Jane, the elder of the two sisters of Henry, and did homage to his brother-in-law. Margaret, one of the Scottish princesses, who had so long been in the custody of the English crown, was also married to Hubert; the other remained single; but a hint was given that Henry meant to associate her with himself on the throne. Pandulph immediately returned to Rome.

During the contest between John and the barons, that prince had lavishly distributed the crown lands among his partisans, as well foreigners as natives; and those who had the command of the royal castles at his death pertinaciously refused to give them up to the government, alleging that they kept them in trust for the king during his minority. To wrest these fortresses from the hands of the powerful vassals who held them, was an important but difficult object. Honorius had instructed Pandulph to insist that no individual should hold at the same time the custody of

[1] For the services of Pandulph, see his letters in Rym. i. 235—237, 240, 241. It appears that the treaty which William king of Scotland had been compelled to make with John was considered so burdensome, or so disgraceful, that Alexander had applied to the pontiff to examine it and pronounce according to law, whether it were binding or not. Honorius referred the matter to Pandulph.—Ibid. 235. We are ignorant of his decision, but there are several allusions to the meetings and homage in the Close Rolls, 343, 421, 436, 462.

more than two of the royal castles; he then ordered the bishop and justiciary to demand from the holders all escheats and wardships; and at last solemnly declared, at the request and with the assent of the great council, that Henry was of sufficient age to have the free disposal of his lands, castles, and wards, though not to plead or be impleaded in courts of justice. Hubert in the king's name demanded the surrender of the wards and castles; and the earls of Chester and Albemarle in return made a fruitless attempt to surprise the city of London. Their conduct was arraigned by Hubert, and excused by Des Roches. The discontented barons determined to keep the Christmas at Northampton; but Henry proceeded to that town with the archbishop and bishops, and so numerous a train of earls and knights, that his opponents were intimidated, solicited his pardon, and abandoned their pretensions.[1]

Another event followed, which established the authority of Hubert, and induced his rival to banish himself from the island, under the pretence of making a pilgrimage to the Holy Land. Among the foreigners enriched by John was a ferocious and sanguinary ruffian, named Fawkes, who held the castle of Bedford by the donation of that monarch. At the assizes at Dunstable he had been amerced for several misdemeanors in the sum of three thousand pounds; but instead of submitting to the sentence, he waylaid the judges at their departure, and seizing one of them, Henry de Braidbrock, confined him in the dungeon of the castle. Hubert willingly grasped at the opportunity of wreaking his vengeance on a partisan of the bishop of Winchester. The king was induced to invest in person the fortress of this audacious rebel; and the clergy spontaneously granted him an aid from themselves and their free tenants. Two towers of wood were raised to such a height as to give the archers a full view of the interior of the castle; seven military engines battered the walls with large stones from morning till evening; and a machine, termed a cat, covered the sappers in their attempts to undermine the foundations. Fawkes, who had retired into the county of Chester, had persuaded himself that the garrison would be able to defend the castle for twelve months. But the barbican was first taken by assault; soon afterwards the outer wall was forced, and the cattle, horses, and provender in the adjacent ward fell into the hands of the victors; a breach was then made in the second wall by the miners, and the royalists, though with considerable loss, obtained possession of the inner ward; a few days later the sappers set fire to the props which they had placed under the foundations of the keep; one of the angles sank deep into the ground; and a wide rent laid open the interior of the fortress. The garrison now despaired of success. They planted the royal standard on the tower, and sent the women to implore the king's mercy. But Hubert resolved to deter men from similar excesses by the severity of the punishment. The knights and others, to the number of eighty, were hanged; the archers were sent to Palestine to fight against the Turks; and Fawkes, who now surrendered himself at Coventry, was banished from the island, together with his wife and family. Henry ordered the castle to be razed, and gave the site to Lord Beaumont.

[1] Dunst. 136—138. Rym. i. 240, 254, 263. The reason given to the pontiff by the council was, that "the prudence and discretion of Henry was such as to supply the want of age."—Paris, Addit. No. 1.

[2] Paris, 270. Dunst. 142—145. New Rym. 175. Rot. Claus. 632. Annal. Wigorn. 486. I have been more diffuse in relating

The consequences of the improvident grants made by the two last monarchs now began to unfold themselves. Under the pretence of resisting an invasion threatened by the king of France, Henry assembled a great council, and most urgently demanded an aid. The demand was at first refused; but the wants of the crown would admit of no delay; and, after some negotiation, it was stipulated that a fifteenth of all moveables should be granted; but on the condition that the two charters should be solemnly ratified.[1] They had already been confirmed twice since the commencement of his reign; but the king's officers had laughed at their confirmation, and refused to carry their provisions into effect.[2] Now, however, it was no longer necessary for the barons to take up arms; poverty had subdued the reluctance of the king and his ministers: and the two charters were solemnly ratified in that form which they have ever since retained.[3]

The departure of the bishop of Winchester for the Holy Land had left Hubert without a competitor; and though the pontiff had warned the king not to league himself with either party, but to arbitrate as a parent and sovereign between both, Henry willingly lent to his favourite the whole of his authority. Hubert for several years reigned without control; others were impoverished by the compulsory resignation of the profits which they had made during the minority; he was annually enriched by new grants of land, escheats, and wardships; but while he thus attempted to consolidate his own power, he supplied his enemies with weapons of annoyance by repeated instances of rapacity and ambition. An unsuccessful expedition into France, in which he accompanied the king, gave the first shock to his power; it was followed by the ominous return of Peter des Roches, whom Henry received with expressions of the warmest affection.[4] The fall of the favourite was now confidently predicted: every tongue loudly accused his avarice and despotism: and when, on occasion of an inroad by the Welsh, Henry lamented his want of money, he was told that he might easily extort it from Hubert and his relatives, who for years had been accumulating wealth at the expense of the crown. The advice was adopted; the inferior officers of government were called to account; Hubert received an order to answer for all the wardships which he held, all the rents of the royal demesnes which he had received, and all the aids and fines which had been

the particulars of this siege, as it explains the manner in which such operations were conducted.

[1] Brady, ii. App. No. 150. The money was to be placed in the treasury, and none of it taken out before the king was of age, unless for the defence of the realm, and in the presence of six bishops and six earls. The fifteenth amounted to £59,000.—Paris, Addit. No. 1. The ancient mode of laying these imposts will be afterwards explained.

[2] Dunst. i. 151.

[3] Chart. of Lib. p. 22—27. Annal. Burt. 271—278. Stat. at large, ann. nono Henry III. Paris tells us that two years later, when Henry came of age, he repealed of his own authority the charter of the forests (p. 283); but I have learned to doubt the assertions of that writer, when he is not supported by other documents. He has already told us that in 1223 the archbishop had insisted on the ratification of the charters; that the king promised it, and by his letters ordered inquiries to be made in every county after the liberties enjoyed in the time of Henry II. (p. 266, 267). Unfortunately for the credit of the historian, these letters are still extant, and prove to be exactly of an opposite nature. The sheriffs are to inquire what customs and liberties John had in every county before the war, and to enforce the same for the benefit of the king.—See them in Brady, App. No. 149, and the New Rym. i. 168.

[4] Paris mentions that in the year 1231 Henry determined not to marry the Princess Isabella of Scotland, because she was the younger sister of Hubert's wife (p. 812); yet the truth is, that Isabella had already been married six years to Roger, the son of Earl Bigod.—Rym. i. 278.

paid into the exchequer, from the day of his appointment to the office of justiciary, a period including the whole of the present, and a great part of the late reign; and all persons who conceived that they had been aggrieved by him in the time of his prosperity were invited to bring actions for damages against the fallen favourite. Whether it were that he despaired of justice, or that he was conscious of guilt, he fled to the priory of Merton. At first the king determined to take him away by force, and for that purpose despatched the mayor of London with an armed body of citizens; but on more mature deliberation, and at the petition of his only friend the archbishop of Dublin, the space of five months was granted him to prepare for his trial.[1]

Hubert, finding himself at liberty, left his sanctuary, and proceeded towards Bury St. Edmund's to visit his wife; but the king, who had been persuaded that it was dangerous to permit him to remain at large, despatched a body of three hundred horsemen with orders to arrest and convey him to the Tower. The earl was in bed when he heard of their approach. He arose in haste, fled naked to the parish church of Boisars, and on the steps of the altar, with the host in one hand, and a cross in the other, awaited the arrival of his pursuers. They had no order to take his life; but placing him on horseback, and tying his feet under the belly, proceeded with their captive towards the metropolis. Henry, however, was aware that this violation of the privileges of the church would excite remonstrances and opposition. The prisoner was carried back to his sanctuary; and the sheriff of Essex was charged, under penalty of death, to seize his person, whenever he should attempt to escape. But his escape was rendered impracticable by a deep moat which had been dug, and a line of palisades which had been drawn round the church; and on the fortieth day hunger or despair induced the unfortunate earl to surrender himself to his guards, by whom he was conducted to the Tower. Henry ordered him to be set at liberty, and to appear in Cornhill before the court of his peers. When the accusations against him had been read, Hubert replied that he should offer no defence; but that he placed his body, his lands, and his chattels at the king's pleasure. The judges deliberated; they agreed that if judgment were pronounced, they must condemn him to forfeiture and death; and therefore, with the permission of the prosecutors, recommended his case to the consideration of the king. An award, to which all parties consented, was at length given: the earl forfeited to the crown his goods and chattels, with the lands which he held in chief of the king, retaining for himself and his heirs his patrimonial inheritance, and the lands which he held of mesne lords; four earls undertook to keep him in safe custody in the castle of Devizes till he should enter the order of the Knights Templars, in the event of his wife's death, or should be discharged by direction of the king and great council; and Henry pledged his word not to grant him any additional favour, nor to inflict on him any additional punishment.[2] But the next year dissensions arose between the king and the barons, and the custody of the castle was given to a retainer of the bishop of Winchester. Hubert, who dreaded to fall into the power of his enemy, dropped from the wall into the moat during the obscurity of the night, and made his way to a neigh-

[1] Paris, 311, 317—319.

[2] Dunst. 208, 209, 221. Paris, 319—322. The mistakes of the last writer are to be corrected by the record, Pat. 17 Hen. III. m. 9, apud Brady, ii. App. No. 152, and New Rym. i. 207.

bouring church. Here he was surrounded by the sheriff and his officers; but in a few days a party of horse overpowered his guards, and conducted him to the earl of Pembroke in Wales. When peace was restored between the king and the barons, at the request of Pope Gregory IX., and by the good offices of Edmund, the new archbishop of Canterbury, Hubert was included in the pacification, readmitted into the council, and restored to his estates and honours.[1]

Henry's reign lasted more than half a century. Till the fall of Hubert, he was either a minor, or under the control of that minister; afterwards he was his own master; had the choice of his own ministers, and became responsible for the measures of government. But the transactions which fill the next forty years are so numerous, and frequently so unconnected, that were they to be related in the order of time, the perplexed and broken narrative could only distract and fatigue the attention of the reader. It will therefore prove more convenient, and at the same time more interesting, to class the most important events under the three distinct heads, of the king's wars with foreign powers, his transactions with the pope, and his disputes with his barons.

1. During the whole of Henry's reign the harmony between England and Scotland was never interrupted by actual hostilities; yet several subjects of altercation arose which are deserving of notice, because they prove that the pretensions of superiority, afterwards realized by Edward, were as fiercely maintained by his father. The reader has already seen that Alexander, the second of that name, though he had done homage to King John, readily lent his aid to the discontented barons. When Louis returned to France, the Scottish king was compelled to submit. He did homage to Henry, and a few years later married Jane, the sister of the young king; a connection which rendered both princes the more willing to adjust their mutual differences without the aid of the sword. When Henry became his own master, Alexander demanded the restoration of the three northern counties as his undoubted inheritance, and the repayment of the fifteen thousand marks received from William by John, which, it was now contended, had not been imposed as a fine, but given as a dower to the two Scottish princesses, who were to have been married to Henry himself, and to his brother Richard.[2] The king of England not only resisted these claims, but maintained that the homage which Alexander had already done, both to him and to his father, had been liege homage for the crown of Scotland; and prevailed on the pope, Gregory IX., to exhort the king of Scots by letter to fulfil the solemn stipulations which he had made.[3]

[1] Paris, 327, 328, 340, 341. Dunstap. 221. Brady, ii. App. No. 154. Yet five years later a new attack was made upon Hubert, from which he extricated himself by making a present of four castles to Henry.—Par. 463.

[2] When this interpretation of the treaty was objected to Hubert, who had married the elder sister, he replied that he knew of no such conditions. The princesses had been delivered to John, to marry them to whom he pleased, with the advice of his barons.—Paris, Addit. No. 1. That Hubert was right, appears from the convention in 1220, between Henry and Alexander, in which the Scottish king promises to marry a sister of Henry within four months, and the English king to restore the two sisters of Alexander within a year, *unless he should find them husbands in England*, ad honorem nostrum et ipsius regis Scotiæ. According to the N. Rym. (193), the wife of Alexander was Margaret, the daughter, not Jane, the sister of Henry. But the instrument there published was executed not by Alexander II. in 1229, but by Alexander III. more than thirty years afterwards.

[3] Rym. i. 334, 335. The Scottish writers say the homage was for lands in England.—Mail. 195. Ford. ix. 31. Yet there is reason

After a tedious negotiation, a compromise was mutually accepted under the auspices of the Cardinal Otto. The Scottish king renounced the claims which he had made, received in return grants of lands at Penrith and Sowerby, to the yearly value of two hundred pounds, performed homage for this his new acquisition, and by a formal deed subjected himself and his heirs, if he or they should break their engagements, to the spiritual censures of the pope, or of his delegate the archbishop of Canterbury.[1] The question respecting the nature of his former homage remained undecided for the present, but was revived after the death of Jane. Alexander contended that he did not, and would not, hold a particle of Scotland under the crown of England; and Henry, to enforce his pretensions, assembled a numerous army at Newcastle. The Scottish king thought it prudent to negotiate; and consented to an arrangement by which, though he eluded the express recognition of feudal dependence, he seems to have conceded to Henry the substance of his demand. He promised and swore that he would always bear good faith and love to his dear and liege lord Henry, king of England, and would never enter into alliance with the enemies of Henry or of his heirs, unless he or they should first unjustly aggrieve him; and his bishops, earls, and barons swore that they and their heirs would never aid Alexander or his successors to break, but would do all in their power to induce him and them to observe, this promise.[2]

Alexander was succeeded by his son of the same name, and in his ninth year. Henry, in virtue of his superiority, solicited a bull, prohibiting any bishop to crown the young prince without the previous permission of his liege lord; but Innocent IV. refused the application, on the ground that the Apostolic See was not accustomed to grant such prohibitions.[3] Soon afterwards Alexander, in consequence of a treaty previously concluded by his father, came to York to marry Margaret, the daughter of Henry,[4] and did homage to the king "for Lothian and the other lands which he held of the English crown;" but when he was summoned to do homage for his kingdom also, a homage, says the historian, which had been done by many of his predecessors,[5] he was advised to reply, that he came to York to marry the princess, not to treat on matters of state; and that the demand was of too great importance for him to return an answer before he had consulted his

to believe that Alexander did not at that time hold any lands in England.—See Rym. ii. 266.

[1] It has been pretended that by this compromise the question of homage for the crown of Scotland was determined against the king of England. But the instrument itself is a clear refutation of the supposition. Its professed object is to put an end to the claims, not of Henry against Alexander, but of Alexander against Henry. It specifies all those claims, and enumerates all the particulars of the compromise. Nowhere does it even allude to Henry's claim of superiority over the crown of Scotland; but it includes and extinguishes all the claims against him, quas idem rex Scotiæ moverat, vel movere poterat.—Rym. i. 375. Placit. Parl. 35 Edv. I.

[2] Paris, 568. Rym. i. 428.

[3] Rym. i. 463.

[4] On this occasion the English court displayed all its magnificence. One thousand knights in robes of silk attended the bride on the morning of her nuptials. — Paris, 716.

[5] It has been stated that the assertion was made not by the historian but by the king. I see not what difference this can make; because in either case the passage proves that an appeal was made to the old chroniclers in favour of the superiority of the English over the Scottish crown forty years before the claim made by Edward I. But that the reader may judge, I subjoin the original passage:—Et cum super hoc conveniretur rex Scotiæ ut ratione regni Scotiæ faceret homagium et fidelitatem cum ligantia domino suo regi Anglorum, sicut fecerunt prædecessores sui regibus Anglorum, *prout evidenter in Chronicis multis locis scribitur*, respondit rex Scotiæ, &c.—Paris, 718.

barons.[1] But Scotland was at this period in a state of anarchy. An association was formed to dissolve the connection with England: Robert de Ros and John Baliol were named regents; and by their orders the young queen was separated from the company of her husband, and confined to a remote part of the castle of Edinburgh. Henry took the nobles of the opposite faction under his protection, ordered his military tenants to join him at York, and sent before him the earl of Gloucester and Robert Mansel, who with the aid of their friends obtained admission into the castle, and set at liberty the king and queen. They visited Henry, who appointed a new regency, punished the former members, and acted with all the authority of a feudal superior; though to allay the jealousy of the Scots, he repeatedly declared that these measures should form no precedent injurious to the rights and liberties of the king or people of Scotland.[2]

2. Of Wales the native sovereign was Llewellyn, usually addressed by Henry with the title of prince of Aberthraw, and lord of Snowdun. He was the vassal of the English crown; but a vassal more inclined to dispute than to obey the authority of his superior. He was also brother-in-law to Henry, having married Jane, the natural child of John, by Agatha, daughter to the earl of Ferrers; but this union had not rendered him the less disposed to assert the rights, or to revenge what he deemed the wrongs, of his country. The borderers of both nations were men of ferocious habits, innured to rapine and bloodshed, and always eager to invade their neighbours when it could be done with the hope of impunity. Their incursions were generally distinguished by deeds of barbarity, which proved that with them plunder was but a secondary object. They were accustomed to murder their captives in cold blood, and to mangle the carcases of the slain; and instead of carrying off the cattle of the enemy, would drive them into the barns and houses, that they might consume them in the same flames with the buildings.[3] To complain was fruitless; the aggressor, to whichever party he belonged, could exhibit a long catalogue of trespasses committed by his opponents, and would contend that his own conduct had been regulated by a just regard to the principle of retaliation. Henry often led his army into Wales, and was as often compelled to return foiled and discontented. Llewellyn, with the aid of his hills and morasses, kept at bay his more powerful antagonist; and, if the king of England employed himself in raising a fortress to check the incursions of the natives, they were already in his rear, demolishing several castles for the one which he had erected. But when Llewellyn died, David, his son and successor, imprisoned Griffith, an illegitimate brother. The wife of the captive appealed to Henry, who already had summoned David before him; but the Welsh prince appeased his uncle, and delivered Griffith into his hands. Three years later the prisoner was slain in an attempt to make his escape from the Tower of London.[4] By his death the prince of Aberthraw was freed from the dangerous projects of a rival; and to free himself from the superiority of the king of England, he sought to interest the pope in his favour, by offering to hold his principality of the Roman church. In-

[1] Paris, ibid.
[2] Rym. i. 558, 559, 560, 562, 865. Duns. 307. Mail. 220.
[3] See several instances in the Annals of Margan, 16, 17, 18; Paris, 310, 569; and the Annals of Worcester, 488.
[4] See the records in Brady, ii. App. No. 163—171. New Rym. 256.

nocent refused the offer,[1] and Henry hastened to chastise the disloyalty of his nephew. The king fortified a castle on the banks of the Conway, ordered a fleet from Ireland to ravage the isle of Anglesea, and forbade under the severest penalty the introduction of provisions or merchandise from the marches into the territory of his enemies. The natives, confined among the mountains of Merioneth and Carnarvon, were exposed to the extremities of want from the absence of provisions and the inclemency of the winter; but at the death of David, they elected for their chieftains Llewellyn and David, the two sons of Griffith, who solicited the clemency of the king of England, became his vassals, and bound themselves to serve in his wars with five hundred of their subjects.[2]

3. The reader will recollect that necessity extorted from Louis of France a promise to restore Normandy, Maine, and Anjou, whenever he should succeed to the crown. Philip, his father, died in 1223. The English ministry summoned him to perform his engagement, and received, what must have been anticipated, a peremptory refusal. He was no longer (was his answer) bound by the treaty, since it had already been broken in two instances by the king of England, who had compelled the confederate barons to purchase his favour with large sums of money, and had to the present day withheld from them the liberties specified in the great charter. Nor was Louis content with a mere refusal. As soon as the truce between the two nations expired, he republished the original sentence of forfeiture against King John, entered Poitou with a numerous army, took possession of Rochelle and the other towns by force or bribery, and extended his conquest to the right bank of the Garonne. The English ministry had convened a parliament of the barons at Northampton; but their deliberations were interrupted by the violence of Fawkes; and the siege of the castle of Bedford employed the better part of the summer. At Christmas, after a quarrelsome debate, and the confirmation of the charters, an aid of a fifteenth was granted to the king; and before Easter, Richard, his younger brother, was sent to Bourdeaux, under the guidance of the earl of Salisbury, with a force, too small indeed to attempt any conquest, but sufficiently numerous to defend from insult the province of Gascony. At the request of the papal legate both crowns agreed to an armistice for twelve months, before the expiration of which the king of France died, and was succeeded by his son Louis IX., in the twelfth year of his age.[3] The troubles which followed his accession, and the hostility of the most powerful of the peers to Blanche, the queen-mother, and the council of regency, offered to Henry, who had now reached his twentieth year, a

[1] Wilkes, 45. Walsing. Ypod. Neust. 466. If we had no other authority than Paris, we should believe that the offer was accepted, and that Innocent IV., to obtain the yearly payment of 500 marks, accepted the acknowledged vassal of the English crown, as the vassal of the Holy See.—Par. 550, 552. The amount of the sum is sufficient to throw discredit on the story; and the truth is easily extracted from the original letters, which are still extant. David wrote to the pope, that in his infancy he had been placed by his parents under the particular guardianship of the church of Rome; but that his uncle by violence and threats had compelled him to swear fealty to the throne of England. Innocent replied by ordering two Cistercian abbots to inquire whether these allegations were true, and if they were, to declare that the oath was not binding. Soon afterwards he wrote to the bishop of Carlisle, that he had discovered them to be false, and commanded the prelate to annul any proceedings that might have taken place in consequence of his former letter.—West. 319. Rym. i. 425.

[2] Paris, 470, 480, 506, 545, 551, 608.

[3] The fables respecting his death in Paris (282), may be compared with the accounts given by eye-witnesses in Spondanus (p. 93).

most favourable opportunity of regaining the patrimony of his ancestors. The king was eager to distinguish himself in so honourable an enterprise; but he also was entangled in quarrels with his barons; and his minister conceived it dangerous to his own interests, either to quit England, or to be separated from his royal master. Year after year the armistice was renewed, till Hubert deemed it politic to yield, in appearance at least, to the clamour which was raised against him. Repeated solicitations had been received from the natives of Guienne; the Poitevin barons had offered to transfer their allegiance to Henry; and many of the Normans had assured him of their undiminished attachment to the representative of the house of Rollo. It was therefore determined that the king should sail to the assistance of Peter of Dreux, in right of his wife, count of Bretagne, who had openly rebelled against Louis. All the barons of England and Ireland, with the princes of Wales, assembled at Portsmouth; and Henry, in the confidence of youth, fancied himself already the conqueror of France, when he was informed that the shipping which had been provided was not sufficiently numerous to carry one-half of the army. In an agony of rage he unsheathed his sword, called Hubert a traitor, and was in the act of striking him, when his arm was arrested by the interposition of the earl of Chester. As it was too late in the season to wait for the arrival of another fleet, the council deferred the expedition to the next year; and during the winter, Hubert found means to justify himself in the opinion of his master. The next spring Henry sailed to St. Malo, and advanced as far as Nantes; while Louis took Angers, Ancenis, and Oudon. Of the succeeding operations, if any operations took place, we have no account. It is said that the king, instead of seeking the enemy, wasted his time in parties of pleasure, refused an invitation from the malcontents in Normandy, proceeded to Gascony to receive the homage of the natives, revisited Nantes, and returned to England. Our historians attribute this conduct to the pernicious influence of Hubert, who was accused, probably without foundation, of receiving a yearly pension from the French queen. A body of five hundred knights and one thousand mercenaries was left with the count of Bretagne, who retook Angers, and burnt a few towns in Normandy.[1]

In an age unable to appreciate any but military merit, the issue of this inglorious expedition added little to the reputation of Henry. He was generally considered a coward, afraid to fight for the inheritance of his fathers; and his name was made the constant subject of censure and ridicule in the effusions of the Provençal poets. It was not, however, that he wanted the inclination; but, with an exhausted treasury, and involved in repeated struggles with his barons, he had neither the means nor the leisure to engage in foreign expeditions. Ten years elapsed in truces, often broken, and often renewed, during which the king was careful to entertain a constant correspondence with several of the most powerful among the French nobles. The count de la Marche, his father-in-law, whose fealty had always changed with his interest, had done homage to Alphonse, the brother of Louis, lately created count of Poitou. At his return he was sharply reprimanded by Isabella his wife. Her

[1] Paris, 306, 310. Duns. 201. I have related the occurrence at Portsmouth on the faith of Paris, but am inclined to doubt the accuracy of the story.

pride, if we may believe report, would not consent that her husband should kneel to any but a crowned head: it is more probable that she wished to preserve the rights of her younger son Richard, to whom his brother Henry had some years before given the county of Poitou. La Marche at her instigation rode back to Poitiers, publicly insulted and defied Alphonse, and retired in the midst of his guard of archers, who marched with their bows bent, and ready to oppose force by force. A war was the natural consequence; and Isabella implored the aid of her son, the king of England. In a great council held in London a supply of men and money was demanded; but, though Henry urged the request with earnestness, though his brother Richard, who had just returned from the Holy Land, supported it with his eloquence and entreaties, the barons coldly and inexorably replied, that it was the king's duty to observe the truce, as long as it had not been violated by the French monarch. Still Isabella was importunate. His presence, she maintained, was only requisite. Let him but appear; he would be joined by all the friends of his family, and crowds of mercenaries would hasten to his standard. Deceived by these representations, Henry sailed from Portsmouth with his queen and brother, three hundred knights, and thirty hogsheads of silver. He landed at Royan, near the mouth of the Garonne, and despatched ambassadors to Louis. If we may believe Paris, the French king, troubled in conscience by the oath of his father, offered to surrender part of Poitou and Normandy, on the condition that Henry should abandon the traitors to the punishment which they deserved; but from the king's own letters it appears that his envoys demanded satisfaction for certain alleged infractions of the armistice; that no answer was returned; and that after a certain number of days he declared the armistice to be at an end.[1] When he had collected his vassals and allies, he found himself at the head of twenty thousand men. Louis had marched from Paris with an equal number; but his army, to use the expression of the historian, was a torrent which, as it rolled on, was continually swelled by the influx of tributary streams. The two kings, as if it had been by mutual consent, reached the small town of Taillebourg about the same time; and the hostile armies were separated by the narrow, but deep and rapid, stream of the Charente, the bridge over which was commanded by a fort in the hands of the English. When Henry saw the superior number of the enemy, he complained to the count of the deception which had been practised upon him; but, while he was speaking, the French, with their characteristic impetuosity, attacked the bridge. Louis fought at their head; the passage was forced, and the oriflamme, his standard, was unfurled on the left bank of the river. The English, however, made a gallant resistance, and kept the fortune of the day in suspense, till the intelligence arrived that a large body of the enemy had crossed lower down in boats, and was marching to intercept their retreat. Immediately they broke, fled with precipitation to Saintes, and were followed with such eagerness, that some of the pursuers were inclosed and made prisoners in the city. Henry for greater security, had withdrawn himself from the mass of the fugitives; but he must have fallen into the hands of the enemy had he not been rescued by the address of his brother Richard. Unarmed, and with the staff of a pilgrim in his hand, the prince offered himself to the

[1] Rym. i. 403, 404.

nearest corps of the French, and demanded to speak to the count of Artois. By that nobleman he was introduced to Louis, who took the opportunity to thank him for the friendly offices which he had rendered to the French knights in Palestine, and at his request assented to an armistice till the following morning. He little thought of the prize which he suffered by this condescension to slip out of his hands. The two brothers immediately mounted their horses, and reached Saintes during the night.

With the dawn of the next morning the French were visible from the walls. The count de la Marche immediately sallied out, and by degrees the whole of both armies became engaged. It was not, however, one battle, but a series of separate actions; for the ground was so intersected with lanes and vineyards, that the combatants fought in small parties, and without communication or concert. Much blood was spilt; but, though both kings claimed the victory, Louis remained master of his position.

The result of these two actions had convinced the count of the danger of his situation. His son Hugh clandestinely left Saintes, and threw himself at the feet of the French monarch, who readily pardoned his father, on condition that he should withdraw his troops from the English army, should cede to Alphonse the castles which had already been taken, should allow three others to be garrisoned for a time by French troops as a security for his future fidelity, and for the rest of his possessions should trust to the pleasure and courtesy of Louis. Henry was sitting down to table when he first heard of this transaction; and the messenger was followed by another, informing him of a secret agreement between the men of Saintes and Louis to introduce the French army into the city during the night. After a short consultation it was determined to retire to Blaye; but the flight was so rapid, that the ornaments of the royal chapel and the military chest were abandoned to the enemy. Louis did not follow the king; a fatal dysentery began to prevail in his army; and the loss of eighty bannerets, and, if we may believe Paris, of twenty thousand men, admonished him to terminate the campaign. A truce for five years was concluded, equally to the satisfaction of both monarchs.[1]

It was the custom of the age, when opposite claims could not be easily reconciled, to prevent the resumption of hostilities by the repeated renewal of truces. Had Louis been left to his own judgment, peace with England would soon have been signed. He still doubted the justice of the title by which he held the provinces formerly belonging to the English princes in France; and to procure

[1] In this account I have compared the French historians Nangis and Gaguin with Paris (514—526). But we possess another narrative of the campaign by Henry himself According to this he might have occupied Taillebourg, or have destroyed the bridge over the Charente, had he not been perfidiously persuaded to grant a truce to the lord of the town, who offered to return to his allegiance. But when he saw the multitude of the enemy, he ordered, with the advice of his council, an immediate retreat to Saintes. The French endeavoured to surprise him there, but were repulsed with loss. Two days afterwards he retired to Pons; and the count de la Marche abandoned the castle and town of Saintes, which were taken by the French. The king continued his retreat; and the garrison of Pons deserted to the enemy. He fortified Blaye, and waited for the event on the opposite bank of the Garonne; but Louis, after he had remained a fortnight in the neighbourhood, returned into his own territories. This Henry declares to be the truth, and that the reports spread to his prejudice by his enemies are groundless and slanderous. —Rym. i. 325—327. By mistake it is printed under the year 1232, the 16th instead of the 26th of Henry, not only in the old, but also in the New Rymer (206).

from Henry a renunciation of his rights, would cheerfully have consented to considerable sacrifices. But the French peers laughed at the scruples of their monarch, and contended that he had not the power to alien the domains of the crown. Negotiations were commenced and interrupted, resumed and suspended; Louis insisted on the cession to him of all claim to Normandy, Maine, Anjou, and Poitou; Henry demanded in return an equivalent; and seventeen years elapsed before the terms could be finally adjusted. The renunciation was at last made; and Louis gave to the king of England the Limousin, Perigord, and Querci, and promised to pay the yearly value of the lands held by the count and countess of Poitou in Xaintonge and the Agenois, and at the death of those princes to transfer them to the English crown. Henry, as duke of Guienne, and peer of France, engaged to do homage to the French monarch, which he performed in the garden of the Temple at Paris.[1]

II. The history of Henry's transactions with the court of Rome discloses to us a long course of oppression, under which the English clergy, by the united influence of the crown and the tiara, were compelled to submit to the most grievous exactions. The Christian hierarchy had from the earliest ages been distinguished by a regular gradation of office and authority, from the lowest clerk to the bishop of Rome, who was acknowledged the chief of the episcopal body and the vicegerent of Christ upon earth. As the northern nations extended their conquests, they diffused their peculiar notions of jurisprudence through the provinces of Europe; these were insensibly applied to the external economy of religion; and the constitution of the church became in a great measure assimilated in the ideas of the western Christians to the institutions of a feudal kingdom. The pope appeared to hold the place of the sovereign; the bishops were considered nearly in the light of his barons; and subordinate to the bishops stood the inferior clergy in the quality of sub-vassals. These feudal notions were strengthened by what seemed feudal ceremonies and claims. The bishop, before he entered on the administration of his diocese, swore fealty to the pope; and the priest at his ordination, beside the ancient promise of canonical obedience, did homage to his bishop. Then, as the civil sovereign in his necessities required aid from his barons, and through them from their vassals, so the popes in similar circumstances demanded pecuniary assistance from the bishops, and through them from the rest of the clergy. At first these claims were brought forward with modesty and reserve; nor did the ecclesiastics refuse to relieve the wants, or support the splendour, of him whom they revered as their spiritual father, and beneath whose protection they reposed in the peaceful possession of their property. But gradually the necessities, and, with the necessities the demands, of the pontiffs were multiplied, till they at length excited the remonstrances and opposition both of the clergy and laity. By accepting the donation of Pepin, and by subsequent acquisitions, the bishops of Rome had joined the concerns of temporal princes with the duties of Christian prelates; and the wars in which they were compelled to engage, sometimes with their own subjects, sometimes with foreign states, entailed on them expenses far beyond the annual amount of their income. This was generally the situation of the popes who governed the church during Henry's reign. Involved in a long and ruinous contest with the

[1] Rym. i. 675, 689. Tres. des Chart. 9.

emperor Frederic and his partisans in Italy, overwhelmed with an immense load of debt, and forced occasionally to abandon their own dominions for an asylum on this side of the Alps, they looked to the aid of the clergy as offering the surest expedient to satisfy the claims of their creditors, recruit their forces, and recover their former ascendancy. Year after year the English, like every other national church, was called upon to contribute towards the support of the Roman see; and though the generosity or patience of the clergy was soon exhausted, their resistance was seldom successful against the authority of the pontiff, supported as it generally was by the authority of the monarch; for the fate of John had proved an awful warning to Henry, who, unwilling to provoke the enmity of the pope, concurred in every scheme of exaction, unless he were occasionally deterred by the united clamour of the barons and clergy.

The principal grievances which sprung out of this system may be reduced to two heads. 1. The popes, in imitation of the temporal princes, often required a tallage of the clergy, amounting generally to a twentieth, sometimes to a tenth, and on one or two occasions to a larger share of their annual income. These impositions had been originally introduced in the time of the crusades, and had been justified on the ground that the recovery of Palestine was an object equally interesting to every Christian; and that while the laity cheerfully shed their blood in the sacred cause, the clergy could not refuse to contribute a small portion of their revenues towards its success. But it was soon discovered that every war in which the pontiffs engaged was somehow or other connected with the welfare of religion. When the contest commenced between Gregory IX. and the emperor Frederic, that pope demanded an aid of the clergy; as his affairs grew desperate, his demands were repeated; and under his successor Innocent IV. the frequency and amount of these tallages became an intolerable burden. Innocent, indeed, alleged in justification of his conduct that he was an exile from his dominions: and at Lyons, where he kept his court for ten years, he had no resource but in the contributions of the clergy; and that whatever they gave, was expended in supporting the cause of the church and religion. These reasons, however, did not always convince those who suffered from the annual diminution of their incomes.[1] In many nations they were answered with complaints; in England they experienced the most decided opposition. The clergy replied, that they deemed it unjust to furnish money, with the conviction that it would be employed against the emperor, who, though the pope had condemned him, was still to be considered a Catholic prince, since he had offered to submit his quarrel to the decision of a general council; that each church had its own patrimony; nor could the pope with any more justice claim a share in the revenue of *their* churches, than they could claim a share of the revenue of the church of Rome: that, as the law, when it described everything as belonging to the prince, spoke of his right of superintendence, not of property; so the pre-eminence

[1] We must except Grosseteste, the celebrated bishop of Lincoln, who in answer to the king's writ inquiring by what authority he raised a tallage for the use of the pope, replied: Non est admiratione dignum, quod coëpiscopi nostri et nos in hac parte facimus, sed admiratione multa et indignatione quamplurima esset dignissimum, si etiam non rogati vel jussi aliquid hujusmodi vel etiam majus non fecerimus. Videmus enim . . . exilio relegatos, persecutionibus coangustatos, patrimonio suo spoliatos, et de proprio unde, ut decet, sustineantur, non habentes. —Grosset. i. ep. 119.

enjoyed by the pope imposed on him the duty of watching over all, but gave him no right to dispose of all; and that, if the income of the clergy were more than sufficient for their support, they were obliged to employ the remainder in relieving the wants of the poor, not in furnishing the means of protracting a bloody and destructive war.[1]

For some time the king and the barons appeared indifferent spectators of this struggle. At length they were induced to interfere by the consideration, that in proportion as the clergy were impoverished, the national burdens would press with additional weight on the laity. Ambassadors were despatched to the general council at Lyons, who in firm but respectful language remonstrated against the frequency of the papal exactions. Perhaps the promises which Innocent gave in his reply were meant only to allay discontent. But if he was sincere, the necessities of his situation soon compelled him to break them; and a new demand of a twentieth from the poorer, and of a larger portion from the more opulent benefices, awakened an unusual spirit of opposition. The clergy drew up a list of their grievances, sent it to the pontiff, and appealed from him to the next general council; the barons, in bolder terms, warned him of the evils which might probably ensue; and clearly insinuated their readiness to draw the sword, if it should be necessary, in support of the clergy. Even the king appeared to make common cause with his vassals, and forbade the tallage to be paid under the penalty of his high displeasure. Yet this strong opposition gradually melted away. Henry withdrew his prohibition; the barons relapsed into their former apathy; and the clergy were reduced to compound with the pontiff for eleven thousand marks.[2]

The second grievance consisted in what were termed papal provisions, by which the pope, suspending for the time the right of the patron, nominated of his own authority to the vacant benefice. The consequence was that many Italians possessed livings which should have been conferred on English clergymen; and, if some of these resided in the island, the others, after defraying the charge of a substitute to perform the duty, received and spent the remainder of the income in foreign countries. This abuse excited loud complaints on the part both of the patrons and the clergy; and the public discontent displayed itself in acts of illegal violence. An association was formed under the title of the Commonalty of England, and was clandestinely encouraged by the principal of the barons and clergy. At its head was Sir Robert Thwinge, a knight of Yorkshire, who by a papal provision had been deprived of his nomination to a living in the gift of his family. His commands were implicitly obeyed by his associates, who, though they were never more than eighty individuals, contrived by the secrecy and celerity of their motions to impress the public with an idea that they amounted to a much greater number. They murdered the papal couriers; wrote menacing letters to the foreign ecclesiastics and their stewards; sometimes seized their persons, threw them privately into dungeons, and compelled them to pay considerable ransoms; and at others carried off the produce of their farms, sold it by public auction, or distributed it among the poor of the neighbourhood. For eight months these excesses continued without any

[1] See the letter of all the bishops, &c. of England in Annal. Burt. 297.

[2] Annal. Burt. 305—310. Paris, 625, 636. Dunst. 272, 273. NewRym. 262, 5.

interruption from the legal authorities; the national discontent was gratified with the sufferings of the foreigners; and the members of the association, to satisfy the officers of justice, pretended that they acted in virtue of a royal commission. Henry at length interposed his authority, and Thwinge proceeded to Rome to plead his cause before the pontiff. He was successful, and returned with a bull, by which Gregory authorized him to nominate to the living which he claimed; declared that if ever the rights of the lay patrons had been invaded, it was without his knowledge, and contrary to his intentions; and promised that all future provisions should be confined to those benefices which were known to be in the gift of the prelates, abbots, and ecclesiastical bodies; a politic answer, which separated the interests of the laity from those of the clergy, and was calculated to render the former unconcerned spectators of the oppression of the latter.[1]

The clergy felt the probable consequences of this distinction, and loudly expressed their indignation. After many ineffectual attempts, they obtained the co-operation of the king and barons; and in all their remonstrances the provisions were coupled with the tallages as an abuse which could be no longer endured. To silence their complaints, Innocent reminded them of his wants, and declared that without provisions he could neither reward the services of his most faithful adherents, nor support the necessary officers of his court.[2] The controversy lasted during the whole of his residence at Lyons. By the death of the emperor, he was at last enabled to return to Rome, and was soon followed by the remonstrances of the English clergy, who stated that the incomes of the foreign ecclesiastics beneficed in England amounted to fifty thousand marks. The pontiff, without admitting the accuracy of the statement, acknowledged and lamented the existence of the grievance; assured them that if he had ever granted a provision himself, it had been wrung from him by necessity; and proposed, as a temporary remedy, to set aside for certain non-residents eight thousand marks, a sum which might be annually reduced; to compel all other foreign clergymen to reside or to resign: and to enable the patrons to present to all benefices as soon as they became vacant.[3] Whether the offer was accepted, we know not; but the next year, in consequence of a provision to a living in the diocese of Lincoln, Grosseteste, the celebrated bishop of that see, wrote a spirited letter to the pontiff, in which, after professing obedience to the lawful commands of the Apostolic See, he refused to admit the provision, because it emanated from an authority which had never been granted by Christ to St. Peter or his successors.

This remonstrance appears to have made impression on the mind of Innocent. He answered by a bull, in which he again professed his dislike of the practice, empowered all the patrons of benefices in the possession of foreigners to present to them immediately, and declared that the individuals so presented should and might take possession immediately after the death or resignation of the present incumbents, and in despite of any provision that might hereafter be

[1] Paris, 313, 316, 317, 460, 461. Dunst. 206, 207. Rymer, i. 322. It was pretended that Hubert was the secret instigator of these excesses; and his presumed guilt was said to have been the cause of his arrest.—Pat. 17. Hen. III. apud Brady, ii. App. No. 152. New Rym. i. 207. [2] Rym. i. 426, 442.

[3] Rym. i. 471. Paris, with his usual exaggeration, makes the sum amount to 70,000 marks (p. 740).

made by him or his successors.[1] In this state the controversy remained during the sequel of Henry's reign.

But in 1254 was opened a new source of extortion. When the Norman adventurers had formerly subdued Sicily and Apulia, they made their conquests, by a voluntary donation, fiefs of the Holy See. As such these two kingdoms had descended to the late emperor Frederic; but during the long war which he waged against the popes Gregory and Innocent, he was adjudged to have forfeited all the lands which he held of the church of Rome; and a resolution, dictated by the experience of the past, was taken to prevent for the future the reunion on the same head of the Sicilian and imperial crowns. Frederic had left by his first wife a son named Conrad, king of Germany, by his second, the sister of our Henry, another called after the name of his uncle; and besides these an illegitimate son, Manfred, prince of Tarento, who was supposed to have been accessory to the death of his father. On none of the three would Innocent bestow the kingdom of Sicily. He offered it first to Charles of Anjou, brother to Louis of France, then to Richard, the brother to the king of England, and lastly to Henry himself for his second son Edmund. All these princes refused it: Charles, on account of the absence of Louis in the crusade; Richard, because he felt himself unequal to the task of subduing the sons of Frederic; and Henry, that he might not appear to oppose the interests of his young nephew, who was supported by a powerful party in Sicily. Conrad, at the head of a numerous army, marched from Germany; took, after an obstinate resistance, Capua, Naples, and the other cities of Apulia, which had declared for the pope, and was preparing to invade Sicily when the young Henry suddenly died, poisoned, as the suspicions of the public believed, by the contrivance of his elder brother. Innocent immediately repeated his offer of the crown for Edmund; and the weak mind of the king, no longer checked by the opposite claim of his nephew, joyfully accepted the dazzling but precarious present. It was agreed with the papal envoy that the young prince should hold Sicily and Apulia as fiefs of the Holy See; that Henry with a powerful army should immediately conduct his son to take possession of his dominions; that Innocent should advance to the king one hundred thousand pounds Tournois to enable him to commence the expedition, and should give security for any other sums which it might be necessary to borrow. The pontiff, when he ratified the treaty, assured the king, who was in Gascony, that if he set out immediately, success was certain; and to stimulate his indolence, informed him that fifty thousand pounds had been deposited at Lyons to be delivered to him the moment he should appear at the head of his army.[2] In the mean time Conrad died; and a second letter was despatched to Henry with a request that he would hasten to take advantage of so fortunate an event. Fearful, however, that the opportunity might be lost by delay, Innocent himself proceeded from Rome into Apulia, took possession of the Terra di Lavoro, secured, as he thought, the fidelity of Manfred by confirming to him his principality of Tarento, and flattered himself that at the arrival of Henry the two kingdoms would

[1] Paris, 749. Annal. Burt. 326—330. Rym. i. 494.

[2] Rym. i. 477, 502, 511, 512, 514, 516, 893. It was afterwards disputed whether the 100,000 pounds were promised as a gift or a loan. Henry gave up his claim.—Rym. i. 895. Four pounds Tournois made one pound sterling.

unanimously admit Edmund for their sovereign. But the perfidious Manfred aspired to the crown himself; and to mask his real views, set up, as the competitor of the English prince, Conradine, the infant son of his brother Conrad. Innocent again endeavoured to hasten the king by describing to him the danger of delay; but his natural indolence, or the difficulties of his situation, prevented his departure; and the papal army was defeated by Manfred in the vicinity of Troia. Five days afterwards Innocent died.[1] His successor Alexander IV. pursued the same policy; the crown of the two Sicilies was confirmed to prince Edmund; and the bishop of Bologna was sent to England to give him investiture, and to make the necessary arrangements with his father. It was settled that Sicily and Apulia should form but one kingdom under Edmund, who should hold it of the Apostolic See by the yearly payment of two thousand ounces of gold, and should swear when he did homage never to accept the imperial dignity, under the penalty of losing his crown, and of incurring excommunication; that Henry should acknowledge himself responsible for all the debts contracted in the prosecution of the business; and that he should, as early as possible, convey his son with an army into Apulia.[2] But in the meanwhile the prospect of success grew fainter every day. Manfred had gained the last battle with the assistance of a body of Saracens, whom his father had settled in Lucera de' Pagani; and Alexander had sent the cardinal Octavian with the marquis of Hoemburgh at the head of a powerful force to attempt the task of subduing and extirpating the infidels. The two armies remained for several days in presence of each other; but Manfred was busily employed in corrupting the fidelity of the mercenary chieftains opposed to him; and with their connivance surprised and totally routed the papal forces. Alexander informed Henry of this untoward event; but sought to encourage him with the consideration that the whole of Sicily and the Terra di Lavoro were still true to the interests of Edmund, and conjured him to perform his engagements by sending immediately a powerful army.[3] The king wanted not the will but the means to comply; though his barons condemned the impotent attempt, he would not resign the hope of placing his younger son on a throne, and therefore bound himself to defray all the former expenses, and to land with an army in Apulia before the next feast of St. Michael. The debts amounted to ninety thousand pounds;[4] and the pontiff complained loudly in his letters of the distress to which he was reduced by the negligence of Henry in sending him remittances. His treasury, he said, was totally drained; his court was surrounded by creditors demanding their money, and threatening to seize the lands of the churches on which their debts had been secured; and the forces which defended the Terra di Lavoro were disbanded, from the impossibility of paying their services.[5] To raise money, recourse was now had to every expedient which the regal or papal ministers could devise. It was in vain that Henry applied to the lay tenants of the crown: they obstinately refused to grant any aid towards the acquisition of Sicily, and advised him to lay aside the project, on account of the great power of Manfred, who had

[1] Rym. i. 535, 538, 564.

[2] Ibid. 894—900, 550, 553.

[3] Ibid. 564.

[4] In this sum is included a free gift of 20,000 marks promised by Henry to the pope.—Rym. i. 897.

[5] Rym. i. 564, 581, 593.

gradually united all Apulia under his standard; the immense expense which had already been incurred, and which by perseverance would be doubled; and the danger to which England would be exposed from the ambition of its neighbours, by the transportation of a numerous army to Italy.[1] The refusal of the laity threw the principal part of the burden on the clergy, who were urged to submission by the menace of excommunication on the one side, and of forfeiture on the other. The bishops and abbots saw themselves compelled to accept bills drawn in their name, but without their consent, for the sum of twenty thousand pounds in favour of certain bankers in Venice and Florence:[2] a tenth part of the annual rents of the clergy was ordered to be paid for five successive years into the exchequer; the goods of the clergymen who died intestate, and one year's income of all vacant benefices were reserved to the crown; and the moneys collected in England, Ireland, Scotland, and Norway, for the crusade against the infidels were placed at Henry's disposal.[3] The clergy exhausted themselves in complaints and remonstrances. They appealed to the protection of the pope; they offered to the king a free gift of fifty-two thousand marks. But the only indulgence which they obtained was the permission for the bishops and abbots to deduct from the payment of the tenths the amount of the bills drawn upon them from Italy.

While Henry thus oppressed the clergy, the disputes between him and his barons began to assume an alarming appearance. Instead of winning a foreign crown for his son, he found it necessary to fight in defence of his own. Yet in proportion as the probability of success decreased, he seemed to cling to the Sicilian project with greater pertinacity; nor would he permit Edmund to resign his claim, or return the donation of Innocent.[4] In the meanwhile Manfred triumphed over all his enemies; to Sicily and Apulia he added the march of Ancona and a part of Tuscany; and Urban IV., the successor of Alexander, after requesting the consent of the English prince, offered the crown to Charles of Anjou.[5] It was accepted; and Charles received the regal dignity at Rome from Clement IV.; but the pontiff, taught by the difficulties in which his predecessors had been involved, refused to bind himself for any debts which might be incurred. The new king, however, raised a powerful army, gained a splendid victory in the plains of Benevento, and by the death of Manfred, who fell in the battle, obtained peaceable possession of the whole kingdom.

III. It was Henry's misfortune to have inherited the antipathy of his father to the charter of Runnymede, and to consider his barons as enemies leagued in a conspiracy to deprive him of the legitimate prerogatives of the crown. He watched with jealousy all their proceedings, refused their advice, and confided in the fidelity of foreigners, more than in the affection of his own subjects. Such conduct naturally alienated the minds of the nobles, who boldly asserted that the great offices of state were their right, and entered into associations for the support of their pretensions. Had the king possessed the immense revenues of his predecessors, he might perhaps have set their enmity at defiance; but during the wars between Stephen and Maud, and afterwards between John and his barons, the royal demesnes had been considerably

[1] Annal. Burt. 372. Dunst. 319, 320.
[2] Rym. i. 583.
[3] Rym. i. 549, 550, 552, 595, 599, &c.
[4] Ibid. 631, 654, 666, 720.
[5] Ibid. 769.

diminished, and the occasional extravagance of Henry, joined to his impolitic generosity to his favourites, repeatedly compelled him to throw himself on the voluntary benevolence of the nation. Year after year the king petitioned for a subsidy; and each petition was met with a contemptuous refusal. If the barons at last relented, it was always on conditions most painful to his feelings. They obliged him to acknowledge his former misconduct, to confirm anew the two charters, and to promise the immediate dismissal of the foreigners.[1] But Henry looked only to the present moment; no sooner were his coffers replenished than he forgot *his* promises, and laughed at *their* credulity. Distress again forced him to solicit relief, and to offer the same conditions. Unwilling to be duped a second time, the barons required his oath. He swore, and then violated his oath with as much indifference as he had violated his promise. His next applications were treated with scorn; but he softened their opposition by offering to submit to excommunication, if he should fail to observe his engagements. In the great hall of Westminster the king, barons, and prelates assembled; the sentence was pronounced by the bishops with the usual solemnity; and Henry, placing his hand on his breast, added, "So help me God, I will observe these charters, as I am a Christian, a knight, and a king crowned and anointed." The aid was granted, and the king reverted to his former habits. It was not, however, that he was by inclination a vicious man. He had received strong religious impressions; though fond of parade, he cautiously avoided every scandalous excess; and his charity to the poor, and attention to the public worship were deservedly admired. But his judgment was weak. He had never emancipated his mind from the tutelage in which it had been held in his youth, and easily suffered himself to be persuaded by his favourites that his promises were not obligatory, because they had been extorted from him in opposition to the just claims of his crown.

On the fall of Hubert de Burgh the king had given his confidence to his former tutor, Peter the Poitevin, bishop of Winchester. That the removal of the minister would be followed by the dismissal of the other officers of government, and that the favourite would employ the opportunity to raise and enrich his relatives and friends, is not improbable; but it is difficult to believe, on the unsupported assertion of a censorious chronicler, that Peter could be such an enemy to his own interests as to prevail on the king to expel all Englishmen from his court, and confide to Poitevins and Bretons the guard of his person, the receipt of his revenue, the administration of justice, the custody of all the royal castles, the wardships of all the young nobility, and the marriages of the principal heiresses. But the ascendancy of the foreigners, however great it might be, was not of very long duration. The barons refused to obey the royal summons to come to the council; the earl marshal unfurled the standard of rebellion in Wales, and the clergy joined with the laity in censuring the measures of government. Edmund, the new arch-

[1] Thus was gradually introduced what has since been considered the constitutional method of opposing the measures of the crown, the refusal of the supplies for the current year. Henry's predecessors were too rich to depend on the aid of their vassals; to resist their will with any hope of success, it was necessary to have recourse to the sword. But *his* poverty compelled him annually to solicit relief, and to purchase it by concessions to his Parliament.

bishop of Canterbury, attended by several other prelates, waited on Henry. He reminded the king that his father, by pursuing similar counsels, had nearly forfeited the crown; assured him that the English would never submit to be trampled upon by strangers in their own country; and declared that he should conceive it his duty to excommunicate every individual, whoever he might be, that should oppose the reform of the government, and the welfare of the nation. Henry was alarmed, and promised to give him an answer in a few weeks. A parliament of the barons was called, and Edmund renewed his remonstrance. The Poitevins were instantly dismissed, the insurgents restored to favour, and ministers appointed, who possessed the confidence of the nation.[1]

At the age of twenty-nine the king had married Eleanor, the daughter of Raymond, count of Provence. The ceremony of her coronation, the offices of the barons, the order of the banquet, and the rejoicings of the people, are minutely described by the historian, who, in the warmth of his admiration, declares that the whole world could not produce a more glorious and ravishing spectacle.[2] Eleanor had been accompanied to England by her uncle William, bishop elect of Valence, who soon became the king's favourite, was admitted into the council, and assumed the ascendancy in the administration. The barons took the first opportunity to remonstrate; but Henry mollified their anger by adding three of their number to the council, and, that he might be the more secure from their machinations, obtained from the pope a legate to reside near his person. This was the cardinal Otho, who employed his influence to reconcile Henry with the most discontented of the barons. By his advice William returned to the continent. He died in Italy; but the king, mindful of his interests, had previously procured his election to the see of Winchester, vacant by the death of Peter des Roches.

The next favourites were two other uncles of the queen, Peter de Savoy, to whom Henry gave the honour of Richmond, and Boniface de Savoy, who, at the death of Edmund, was chosen archbishop of Canterbury. The natives renewed their complaints, and waited with impatience for the return of Richard, the king's brother, from Palestine; but that prince was induced to espouse the cause of the foreigners, and to marry Sanchia, another of the daughters of Raymond. But now Isabella, the queen-mother, dissatisfied that the family of Provence should monopolize the royal favour, sent over her children by her second husband, the count de la Marche, to make their fortunes in England. Alice, her daughter, was married to the young earl of Warenne; Guy, the eldest son, received some valuable presents, and returned to France; William de Valence, with the order of knighthood, obtained an annuity, and the honour of Hertford; and Aymar was sent to Oxford, preferred to several benefices, and at the age of twenty-three appointed bishop of Winchester.[3]

While Henry was thus careful to provide for his foreign relatives, he frequently found himself reduced to want, and without credit or resources. His more despotic predecessors had expended infinitely larger sums in their foreign expeditions, and the support of their mercenary forces, and had never hesitated to extort by vio-

[1] Paris, 324—335.
[2] Id. 355. Dunst. 231.
[3] Paris, 489, 494, 637. Aymar was chosen bishop in 1250, consecrated by the pope in 1260, and died the same year in Paris.—Ang. Sac. i. 311.

lence from their subjects whatever moneys were deemed necessary by their ambition or rapacity. But the imprudence of John had generated, and the minority of Henry had nourished, a spirit of resistance to the undue exercise of authority; and the relief of the sovereign's wants was assigned by the great charter, not to his own caprice, but to the wisdom or generosity of the prelates and barons. If in their assemblies they consented to grant him an aid, they yet granted it in ill humour; and his acquiescence in the papal exactions from the clergy, with the debts which he incurred by accepting the crown of Sicily for Edmund, continued to inflame the public discontent. Associations were formed to redress the grievances of the nation; under the decent pretext of preventing the misapplication of the revenue, a demand was repeatedly made, that the appointment of the officers of state should be vested in the great council; and at length the constitution was entirely overturned by the bold ambition of Simon de Montfort, earl of Leicester.[1]

Simon was the younger of the two sons of the count de Montfort, a name celebrated in the annals of religious warfare. By the resignation of Amauri, his brother, the constable of France, he had succeeded to the estates of his mother Amicia, the elder of the two sisters and coheiresses of the late earl of Leicester; his subsequent marriage with Eleanor, the king's sister, had brought within his view the prospect of a crown; and his marked opposition to the extortions of the king and the pontiffs had secured to him, though a foreigner, the affection of the nobility, the clergy, and the people. Policy required that the king should either not provoke, or should crush so formidable a subject. But Henry did neither; he on some occasions employed the earl in offices of trust and importance; on others, by a succession of petty affronts irritated instead of subduing his spirit. Among the inhabitants of Guienne there were many whose wavering fidelity proved a subject of constant solicitude; and Simon had been appointed, by patent, governor of the province for five years, with the hope that his activity and resolution would overawe the disaffected, and secure the allegiance of the natives. They were to the earl years of continual exertion; his conduct necessarily begot enemies; and he was repeatedly accused to the king of peculation, tyranny, and cruelty. How far the charges were true, it is impossible to determine; but his accusers were the archbishop of Bordeaux and the chief of the Gascon nobility, who declared that unless justice were done to their complaints, their countrymen would seek the protection of a different sovereign. When Simon appeared before his peers, he was accompanied by Richard, the king's brother, and the earls of Gloucester and Hereford, who had engaged to screen him from the royal resentment; and the king, perceiving that he could not procure the condemnation of the accused, vented his passion in intemperate language. In the course of the altercation, the word "traitor" inadvertently fell from his lips. "Traitor," exclaimed the earl; "if you were not a king, you should repent of that insult." "I shall never repent of any thing so much," replied Henry, "as that I allowed you to grow and fatten within my dominions." By the interposition of their common friends they were parted. Henry conferred the duchy and government of Guienne on his son Edward; but the earl returned to the province; nor would he yield

[1] Paris, 564, 646.

up his patent without a considerable sum as a compensation for the remaining years of the grant. Fearing the king's enmity, he retired into France, and was afterwards reconciled to him through the mediation of Grosseteste, bishop of Lincoln.[1]

Though Richard had frequently joined the barons in opposing his brother, he could never be induced to invade the just rights of the crown. He was as much distinguished by his economy as Henry was by his profusion; and the care with which he husbanded his income gave him the reputation of being the most opulent prince of Europe. Yet he allowed himself to be dazzled with the splendour of royalty, and incautiously sacrificed his fortune to his ambition. In the beginning of the year 1256 the archbishops of Cologne and Mentz, with the elector palatine, chose him at Frankfort king of the Romans; and a few weeks later the archbishop of Treves, the king of Bohemia, the duke of Saxony, and the marquess of Brandenburgh, the other four electors, gave their suffrages in favour of Alphonso, king of Castile.[2] It is strange that Richard, with the example of Sicily before his eyes, and the certainty of meeting with a powerful rival, should have accepted the offer; but he was told that his riches would insure his success; a deputation of prelates and nobles arrived to conduct him to his imaginary dominions; and the new king of the Romans was crowned at Aix-la-Chapelle in the presence of most of the princes of the empire.[3] It was, however, in an evil hour for Henry that he departed for Germany. The discontented barons, no longer awed by his presence, associated to reform the state, under the guidance of the earl of Leicester, high steward, the earl of Hereford, high constable, the earl marshal, and the earl of Gloucester. The circumstances of the times were favourable to their views. An unproductive harvest had been followed by a general scarcity, and the people were willing to attribute their misery not to the inclemency of the seasons, but to the incapacity of their governors.[4] Henry called a great council at Westminster, and on the third day the barons assembled in the hall in complete armour. When the king entered, they put aside their swords; but Henry, alarmed at their unusual appearance, exclaimed, "Am I then your prisoner?" "No, Sir," replied Roger Bigod, "but by your partiality to foreigners, and your own prodigality, the realm is involved in misery Wherefore we demand that the powers of government be delegated to a committee of barons and prelates, who may correct abuses, and enact salutary laws." Some altercation ensued, and high words passed between the earl of Leicester and William de Valence, one of the king's brothers. Henry, however, found it necessary to submit; and it was finally agreed that he should solicit the pope to send a legate to England, and modify the terms on which he had accepted the kingdom of Sicily; that he should give a commission to reform the state to twenty-four prelates and barons, of whom one-half had been already selected from his council, the other

[1] Paris, 400, 700, 713, 721, 722, 743. The king had originally conferred the duchy of Guienne on his brother Richard, but took it from him on the birth of Prince Edward. Richard ever afterwards opposed the king in all matters relative to that country.—Paris, 722.

[2] Wikes, 51, gives us the different sums promised to the seven electors on this occasion; but he is certainly mistaken in several of the princes whom he calls electors, as is evident from the letter of the pope, quoted by Spondanus (p. 198).

[3] Rymer, i. 621, 622. Annal. Burt. 376. De Ant. Leg. p. 26.

[4] Wikes, 52. Wheat was sold at the almost unprecedented price of 20s. the quarter.—See Dunst. 332, and the notes to Rishanger, 112, 113. Richard sent from Germany forty vessels laden with corn.—Par. 826.

half should be named by the barons themselves in a parliament to be held at Oxford; and that, if he faithfully observed these conditions, measures should be taken to pay his debts, and to prosecute the claim of Edmund to the crown of the Two Sicilies.[1]

At the appointed day the great council, distinguished in our annals by the appellation of "the mad parliament," assembled at Oxford. The barons, to intimidate their opponents, were attended by their military tenants, and took an oath to stand faithfully by each other, and to treat as "a mortal enemy" every man who should abandon their cause. The committee of reform was appointed. Among the twelve selected by Henry were his nephew, the son of Richard, two of his uterine brothers, and the great officers of state; the leaders of the faction were included in the twelve named by the barons. Every member was sworn to reform the state of the realm, to the honour of God, the service of the king, and the benefit of the people; and to allow no consideration "neither of gift nor promise, profit nor loss, love nor hatred, nor fear," to influence him in the discharge of his duty. Each twelve then selected two of their opponents; and to the four thus selected was intrusted the charge of appointing fifteen persons to form the council of state. Having obtained the royal permission, they proceeded to make the choice with apparent impartiality; both parties furnished an equal number; and at their head was placed Boniface, the archbishop of Canterbury, who, if he were connected with the court from his relationship to the queen, was also known to lean to the popular faction, through his jealousy of the superior influence of the king's half-brothers. In reality, however, these elections proved the declining influence of the crown; for, while the chiefs of the reformers were named, Henry's principal friends, his nephew and his brothers, had been carefully excluded. In a short time the triumph of Leicester was complete. The justiciary, the chancellor, the treasurer, all the sheriffs, and the governors of the principal castles belonging to the king, twenty in number, were removed, and their places were supplied by the chiefs of the reformers, or the most devoted of their adherents. The new justiciary took an oath to administer justice to all persons, according to the ordinances of the committee; the chancellor not to put the great seal to any writ which had not the approbation of the king and the privy council, nor to any grant without the consent of the great council, nor to any instrument whatever which was not in conformity with the regulations of the committee; the governors of the castles to keep them faithfully for the use of the king, and to restore them to him or his heirs, and no others, on the receipt of an order from the council; and at the expiration of twelve years to surrender them loyally on the demand of the king.[2] Having thus secured to themselves the sovereign authority, and divested Henry of the power of resistance, the committee began the work of reform by ordaining—1. that four knights should be chosen by the freeholders of each county to ascertain and lay before the parliament the trespasses, excesses, and injuries committed within the county under the royal administra-

[1] Rym. i. 654, 655.

[2] Annal. Burt. 407, 411, 413, 414, 415. Brady, ii. App. No. 190, 191, 192, 193, 194. The royal castles were those of Dover and the other cinque ports, Northampton, Corfe, Scarborough, Nottingham, Hereford, Exeter, Sarum, Hadleigh, Winchester, Porchester, Bridgenorth, Oxford, Sherburn, the Tower of London, Bamborough, Newcastle-on-Tyne, Rochester, Gloucester, Horestan, and Devizes.—Ibid. et Ann. Burt. 416. The reader will observe that Windsor, Wallingford, and a few others still remained in the king's possession.

tion; 2. that a new high sheriff should be annually appointed for each county by the votes of the freeholders; 3. that all sheriffs and the treasurer, chancellor, and justiciary, should annually give in their accounts; 4. and that parliaments should meet thrice in the year, in the beginning of the months of February, June, and October. They were, however, careful that these assemblies should consist entirely of their own partisans. Under the pretext of exonerating the other members from the trouble and expense of such frequent journeys, twelve persons were appointed as representatives of the commonalty, that is, the whole body of earls, barons, and tenants of the crown; and it was enacted that whatever these twelve should determine, in conjunction with the council of state, should be considered as the act of the whole body.[1]

These innovations did not, however, pass without opposition. Henry, the son of the king of the Romans, Aymar, Guy, and William, half-brothers to the king, and the earl of Warenne, members of the committee, though they were unable to prevent, considerably retarded the measures of the reformers, and nourished in the friends of the monarch a spirit of resistance which might ultimately prove fatal to the projects of Leicester and his associates. It was resolved to silence them by intimidation. They were required to swear obedience to the ordinances of the majority of the members; proposals were made to resume all grants of the crown, from which the three brothers derived their support; and several charges of extortion and trespass were made in the king's courts not only against them, but also against the fourth brother, Geoffrey de Valence. Fearing for their liberty or lives, they all retired secretly from Oxford, and fled to Wolvesham, a castle belonging to Aymar, as bishop elect of Winchester. They were pursued and surrounded by the barons; their offer to take the oath of submission was now refused; and of the conditions proposed to them, the four brothers accepted as the most eligible, to leave the kingdom, taking with them six thousand marks, and trusting the remainder of their treasures, and the rents of their lands, to the honour of their adversaries.

Their departure broke the spirit of the dissidents. John de Warenne and Prince Henry successively took the oath; even Edward, the king's eldest son, reluctantly followed their example, and was compelled to recall the grants which he had made to his uncles of revenues in Guienne, and to admit of four reformers as his council, for the administration of that duchy.[2] To secure their triumph, a royal order was published that all the lieges should swear to observe the ordinances of the council;[3] and a letter was written to the pope in the name of the parliament, complaining of the king's brothers, soliciting the depo-

[1] Ann. Burt. 416. Le *commun* élise xii prodes homes.....ces sont les duze ke sont eslu par les *Baruns* a treter a treis parlemens per an. (p. 414). They add that it was pur esparmier le cust del commun (416). *Le commun*, or commonalty, in an English proclamation at this time, is translated "*the landsfolk* of the realm" (N. Rym. 378), as if it represented all the landed proprietors. It was the more usual denomination of the great council, though the word parliament had now grown into common use. In a writ of the 28th of this king, the conference between John and his barons at Runnymede is called a parliament (Cl. 28 Hen. III. m. 12), and in his 32nd year occurs a writ with the expression coram rege et toto parliamento.—Cl. 32 Hen. III. m. 13, Dors.

[2] Annal. Burt. 410, 411, 419. Rymer, i. 660, 661, 662, 663. Annal. Winc. 310.

[3] New Rymer, i. 377. This proclamation is in both languages, the first of that description which has been preserved since the reign of Henry I., though I do not understand how such proclamations could have become known to the people, unless they were published in the English language.

sition of the bishop elect of Winchester, and requesting the aid of a legate to co-operate with them in the important task of reforming the state of the kingdom.[1]

In a short time Leicester was alarmed by the approach of a dangerous visitor, Richard king of the Romans. That prince had squandered away an immense mass of treasure in Germany, and was returning to replenish his coffers by raising money on his English estates. At St. Omer, to his surprise, he received a prohibition to land before he had taken an oath to observe the provisions of reform, and not to bring the king's brothers in his suite. His pride deemed the message an insult; but his necessities required the prosecution of his journey; and he gave a reluctant promise to comply, as soon as he should receive the king's permission. At Canterbury Henry signified his command, and Richard took the oath.[2]

By the original agreement at Westminster, the reformation of the state was to be settled before Christmas. But the party was as slow to conclude, as it had been eager to commence, its labours. To satisfy the people, a proclamation was issued in the king's name, stating the importance of the undertaking, the time necessary to obtain an exact knowledge of the national grievances, and the folly of risking the acquisition of the object by the adoption of hasty and inconsiderate measures. The truth was, that the chiefs were unwilling to divest themselves of the authority which they had usurped. They distributed among their partisans all the lay offices and ecclesiastical benefices in the gift of the crown; received the principal part of the royal revenue, and shared among themselves the produce of the escheats, wardships, and marriages of the king's tenants.[3] But the ambitious views of Leicester soon began to alarm his associates, and a violent quarrel between him and the earl of Gloucester threatened to dissolve the confederacy. A false but apparent reconciliation was effected, when a petition from the knights and bachelors of England created a new alarm. They requested the council to hasten the reform, observing that it had been eighteen months in possession of the sovereign authority, and the nation had yet to learn what was the fruit of its labours. This was a remonstrance which it would have been dangerous to overlook; and in the next parliament a project of reform was proposed, approved, and ordered to be enforced by the judges in their circuits. Its principal objects were to secure the inferior tenants from the oppression of their lords, and to purify the administration of justice. The provisions under the first head refer to customs which are now obsolete, and would therefore prove uninteresting to the reader; the great remedy for all abuses under the second was the appointment of commissioners to inspect the conduct of the judges. Two were ordered to watch all the proceedings in the King's Bench; two others those in the Exchequer; and one to attend the itinerant justices in their respective circuits. With the same view four knights were chosen in every county, with the power of admonishing, as they saw occasion, the sheriff of his duty, and of inform-

[1] Annal. Burt. 418, 422. Rymer, i. 667. It appears to me that the commission of the twenty-four ended with the parliament of Oxford; but the chiefs had all been appointed to the privy council, to which the exercise of the sovereign authority had been reserved, except during the sessions of parliament; and even then they retained it, as the parliament was represented by twelve members, all their partisans.—See Annal. Burt. p. 423, 431, 435.

[2] Rym. i. 627. Annal. Burt. 421.

[3] West. 391.

ing the justiciary, if the admonition should be neglected. Contrary to the enactment of the last year, the new sheriffs were appointed by the great officers of state; but the freeholders in each county were ordered to choose four persons against the following Michaelmas, and to present them to the barons of the Exchequer, who would select one of the number for the next sheriff. Such were the principal articles of the reform so long and so anxiously desired; articles which disappointed the expectations of the nation, and created a general wish that the sovereign authority might be removed from the hands of a few factious noblemen, and restored to him to whom it constitutionally belonged.[1]

Henry had now been for two years the mere shadow of a king. The acts of government, indeed, ran in his name; but the sovereign authority was exercised without control by the lords of the council; and obedience to the royal orders, when the king ventured to issue orders, was severely punished as a crime against the safety of the state. But if he were a silent, he was not an inattentive observer of the passing events. The discontent of the people did not escape his notice; and he saw with pleasure the intestine dissensions which daily undermined the power of the faction. The earls of Leicester and Gloucester pursued opposite interests, and formed two opposite parties. Leicester, unwilling to behold the ascendancy of his rival, retired into France; and Gloucester discovered an inclination to be reconciled to his sovereign. But to balance this advantage, Prince Edward, who had formerly displayed so much spirit in vindicating the right of the crown, joined the earl of Leicester, their most dangerous enemy; and this unexpected connection awakened in the king's mind the suspicion of a design to depose him, and place his son on the throne. In these dispositions of enmity, jealousy, and distrust, the barons assembled in London to meet Henry in parliament. But each member was attended by a military guard; his lodgings were fortified to prevent a surprise; the apprehension of hostilities confined the citizens within their houses; and the concerns of trade, with the usual intercourse of society, were totally suspended. After many attempts, the good offices of the king of the Romans effected a specious but treacherous pacification; and the different leaders left the parliament friends in open show, but with the same feelings of animosity rankling in their breasts, and with the same projects for their own aggrandizement and the depression of their opponents.[2]

At length Henry persuaded himself that the time had arrived when he might resume his authority. He unexpectedly entered the council, and in a tone of dignity reproached the members with their affected delays, and their breach of trust. They had been established to reform the state, improve the revenue, and discharge his debts; but they had neglected these objects, and had laboured only to enrich themselves and to perpetuate their own power. He should, therefore, no longer consider them as his council, but employ such other remedies as he thought proper.[3] He immediately repaired to the Tower, which had lately been fortified; seized on the treasure in the Mint; ordered the gates of London to be closed; compelled all the citizens above twelve years of age to swear fealty in their respective wardmotes; and by proclamation commanded the knights of the several counties to attend the

[1] N. Rym. 381. Annal. Burt. 428—433.

[2] West. 373.

[3] West. 377.

next parliament in arms. The barons immediately assembled their retainers, and marched to the neighbourhood of the capital; but each party, diffident of its strength, betrayed an unwillingness to begin hostilities; and it was unanimously agreed to postpone the discussion of their differences till the return of Prince Edward, who was in France displaying his prowess at a tournament. He returned in haste, and, to the astonishment of all who were not in the secret, embraced the interests of the barons.[1]

Henry, however, persevered in his resolution. By repeated desertions the party of his enemies had been reduced to the two earls of Leicester and Gloucester, the grand justiciary, the bishop of Worcester, and Hugh de Montfort, whose principal dependence was on the oath which the king and the nation had taken to observe the provisions of Oxford. To this argument it was replied that the same authority which enacted the law was competent to repeal it; and that an oath which should deprive the parliament of such right was in its own nature unjust, and consequently invalid.[2] For greater security, however, the king applied to Pope Alexander, who by several bulls released both him and the nation from their oaths, on the principle that the provisions of Oxford were injurious to the state, and therefore incompatible with their previous obligations.[3] These bulls Henry published, appointed a new justiciary and chancellor, removed the officers of his household, revoked to himself the custody of the royal castles, named new sheriffs in the counties, and by proclamation announced that he had resumed the exercise of the royal authority. This was followed by another proclamation to refute the false reports circulated by the barons. The king requested the people to judge of him by his actions, not by the accusations of his enemies. He had now reigned five-and-forty years, and during that long period had secured to them the blessings of peace. They might contrast his administration with that of the barons. Was there one among them who could say he had ever received an injury from his sovereign? They knew that under him they had enjoyed their rights and possessions in peace. His conduct had proved that as he had never intended, so he had never countenanced injustice. If he had appointed new sheriffs and new governors of his castles, they were men whose loyalty he could trust, and on whose equity his subjects might rely. Should they, however, repeat the exactions of their predecessors, let the injured parties appeal to him, and he should always be ready to do justice to the meanest of his subjects against the most powerful of their oppressors. The earls of Leicester and Gloucester, with the bishop of Worcester, had summoned three knights from every county south of the Trent to meet them at St. Alban's; but a temporary reconciliation was effected, and the king by his writs, annulling the previous summons, ordered the same knights to repair to him at Windsor, that they might be present at his intended conference with the barons, and convince themselves of the justice and utility of his demands.[4] Several interviews between the parties took place at London. At first the barons appeared to consent to a plan of pacification offered by the king: afterwards it was resolved to refer their differences, some to the decision of the

[1] Wikes, 54. West. 378. Claus. 45 Hen. III. 19, cit. Carte, 127. [2] West. 391.
[3] Rym. 722, 723, 742, 746. Wikes, 55. New Rym. i. 405, 7, 8.
[4] See the two writs in Brady, ii. App. No. 202, 203.

king of France, and some to that of the king of the Romans. The earl of Leicester, however, found means to prevent the execution of the agreement; and a third meeting was held, in which the barons abandoned the greater part of the provisions, and the king confirmed such as were evidently conducive to the welfare of the realm. Leicester was still dissatisfied, and returned to France, observing that he should never trust the faith of a perjured king;[1] Henry by proclamation acquainted the nation that Pope Urban had confirmed the absolution obtained from his predecessor; that he had resumed the exercise of the royal authority; and that he was determined to observe and enforce every article of the two charters, and to punish severely all persons who should adhere to the confederacy of the barons.[2]

The king, now finding himself at liberty, was induced to visit Louis of France; and Leicester embraced the opportunity to return to England, and re-organize the association which had so lately been dissolved. His hopes of success were founded on the pride and imprudence of Prince Edward, who, untaught by experience, had called around him a guard of foreigners, and intrusted to their leaders the custody of his castles. Such conduct not only awakened the jealousy of the barons, but alienated the affections of the royalists. Several of these, deprived of the honours to which they conceived themselves entitled, secretly applied to the earl, and brought with them a valuable auxiliary, Gilbert de Clare, the son and successor of the late earl of Gloucester.[3] The father by his moderation had frequently paralyzed the ambition of Montfort; but the son, a youth of twenty years of age, resigned himself entirely to the guidance of that nobleman, and placed at his disposal the powerful influence of the family of Clare. Henry, at his return, aware of the designs of his enemies, ordered the citizens of London, the inhabitants of the cinque ports, and the principal barons, and afterwards all freemen throughout the kingdom, to swear fealty not only to himself, but in the event of his death, to his eldest son, the Prince Edward. To the second oath the earl of Gloucester objected. He was immediately joined at Oxford by his associates; and in a few days the earl of Leicester appeared at their head. With the royal banner displayed before them, they took Gloucester, Worcester, and Bridgenorth; ravaged without mercy the lands of the royalists, the foreigners, and the natives who refused to join their ranks; and augmenting their numbers as they advanced, directed their march towards London. In London the aldermen and principal citizens were devoted to the king; the mayor and the populace openly declared for the barons. Henry was in possession of the Tower; and Edward, after taking by force one thousand marks out of the Temple, hastened to throw himself into the castle of Windsor, the most magnificent palace, if we may believe a contemporary, then existing in Europe. The queen attempted to follow her son by water; but the populace insulted her with the most opprobrious epithets, discharged volleys of filth into the royal barge, and prepared to sink it with large stones, as it should pass beneath the bridge. The mayor at length took her under his protection, and placed her in safety in the episcopal palace near St. Paul's.[4]

The king of the Romans now ap-

[1] Wikes, 51. West. 380, 381. N. Rym. i. 411, 5, 6.
[2] Apud Brady, ii. App. No. 205.
[3] West. 392.
[4] New Rymer, 423. Chron. Dunst. 356, 357. Rym. i. 768, 772. Wikes, 56, 57.

peared again on the scene in quality of mediator. The negotiation lasted three weeks; but Henry was compelled to yield to the increasing power of his adversaries; and it was agreed that the royal castles should once more be intrusted to the custody of the barons, the foreigners be again banished, and the provisions of Oxford be confirmed, subject to such alterations as should be deemed proper by a committee appointed for that purpose. Henry returned to his palace at Westminster; new officers of state were selected; and the king's concessions were notified to the conservators of the peace in the several counties.

There was one article in the treaty which proved favourable to the interests of Henry; that the assent of the parliament should be obtained. So many objections were now raised, so many claims of indemnification were brought against the barons for the ravages committed by them in the late expedition, that two successive parliaments assembled, and yet no final arrangement could be made. But the time thus obtained was usefully employed to attach several of the associates to the royal cause. Some were dissatisfied with the arrogance and ambition of Leicester, who proposed that the powers of the new commissioners should last during the lives of both Henry and Edward; and others were brought over by grants of lands, and by promises of rewards. The kind found himself sufficiently strong to take the field. He was disappointed in an attempt to obtain possession of Dover; but nearly succeeded in surprising the earl of Leicester, who with a small body of forces had marched from Kenilworth to Southwark. Henry appeared on one side of the town, the prince on the other; and the royalists had previously closed the gates of the city. So imminent was the danger, that the earl, who had determined not to yield, advised his companions to assume the cross, and to prepare themselves for death by the offices of religion. But the opportunity was lost by a strict adherence to the custom of the times. A herald was sent to require him to surrender; and in the meanwhile the populace, acquainted with the danger of their favourite, burst open the gates, and introduced him into the city.[1]

The power of the two parties was now more equally balanced, and their mutual apprehensions inclined them to listen to the pacific exhortations of the bishops. It was agreed to refer every subject of dispute to the arbitration of the king of France; an expedient which had been proposed the last year by Henry, but rejected by Leicester. Louis accepted the honourable office, and summoned the parties to appear before him at Amiens. The king attended in person; the earl, who was detained at home in consequence of a real or pretended fall from his horse, had sent his attorneys. Both parties solemnly swore to abide by the decision of the French monarch.[2] Louis heard the allegations and arguments of each, consulted his court, and pronounced judgment in favour of Henry. He annulled the provisions of Oxford as destructive of the rights of the crown, and injurious to the interests of the nation; ordered the royal castles to be restored; gave to the king the authority to appoint all the officers of state and of his household, and to call to his council whomsoever he thought proper, whether native or

Trivet, 212. Windesores, quo non erat ad id tempus splendidius infra fines Europæ.—West. 383.

[1] Chron. Dunst. 358—360. Rym. i. 773, 775. Wikes, 57. West. 383, 384. Rishanger, 15, 16.

[2] See note to Rishanger, 120-3.

foreigner; reinstated him in the same condition in which he was before the meeting of the "mad parliament," and ordered that all offences committed by either party should be buried in oblivion. This award was soon afterwards confirmed by the pope, and the archbishop of Canterbury received an order to excommunicate all who, in violation of their oaths, should refuse to submit to it.[1]

The barons had already taken their resolution. The moment the decision was announced to them, they declared that it was contradictory of itself, and therefore a nullity; for it preserved in force the great charter, and yet annulled the provisions, which grew out of that charter;[2] and that it had been procured by the undue influence which the queen of Louis, the sister-in-law to Henry, possessed over the mind of her husband.[3] Hostilities immediately recommenced; and as every man of property was compelled to adhere to one of the two parties, the flames of civil war were lighted up in almost every part of the kingdom. In the North, and in Cornwall and Devon, the decided superiority of the royalists forced the friends of the barons to dissemble their real sentiments; the midland counties and the marches of Wales were pretty equally divided; but in the cinque ports, the metropolis, and the neighbouring districts, Montfort ruled without opposition. His partisan, Thomas Fitz-Thomas, had been intruded into the office of Mayor of London; and a convention for their mutual security had been signed by that officer and the commonalty of the city on the one part, and the earls of Leicester, Gloucester, and Derby Hugh le Despenser, the grand justiciary, and twelve barons on the other. In the different wardmotes every male inhabitant above twelve years of age was sworn a member of the association; a constable and marshal of the city were appointed; and orders were given that at the sound of the great bell at St. Paul's all should assemble in arms, and obey the authority of these officers. The efficacy of the new arrangements was immediately put to the test. Whether it was that Leicester sought to involve the citizens beyond the probability of pardon, or to procure money for future measures, Despenser, the justiciary, came from the Tower, put himself at the head of the associated bands, and conducted them to destroy the two palaces of the king of the Romans at Isleworth and Westminster, and the houses of the nobility and citizens known or suspected to be attached to the royal cause. The justices of the King's Bench, and the barons of the Exchequer were thrown into prison; the moneys belonging to foreign merchants and bankers, which for security had been deposited in the churches, were carried to the Tower; and the Jews, to the number of five hundred men, women, and children, were conducted to a place of confinement. Out of these, Despenser selected a few of the more wealthy, that he might enrich himself by their ransom; the rest he abandoned to the cruelty and rapacity of the populace, who, after stripping them of their clothes, massacred them in cold blood. Cock ben Abraham, who was considered the most opulent individual in the kingdom, had been killed in his own house by John Fitz-John, one of the barons. The murderer at first appropriated to himself the treasure of his victim; but he afterwards

[1] Rymer, i. 776—778, 780—784.

[2] Rishanger, p. 17. The award did not mention the charter; but the barons contended that it was preserved under the words "the liberties and laudable customs of the realm."

[3] Annal. Wigorn. 495. Dunst. 863.

thought it more prudent to secure a moiety, by making a present of the remainder to Leicester.[1]

Henry, having summoned the tenants of the crown to meet him at Oxford, unfurled his standard, and placed himself at the head of the army. His first attempts were successful. Northampton, Leicester, and Nottingham, three of the strongest fortresses in the possession of the barons, were successively reduced; and among the captives at Northampton were reckoned Simon, the eldest of Leicester's sons, fourteen other bannerets, forty knights, and a numerous body of esquires. From Nottingham, where he had been joined by Comyn, Bruce, and Baliol, the lords on the borders of Scotland, he was recalled into Kent by the danger of his nephew Henry, besieged in the castle of Rochester. At his approach, the enemy, who had taken and pillaged the city, retired with precipitation; and the king, after an ineffectual attempt to secure the co-operation of the cinque ports, fixed his head-quarters in the town of Lewes.[2]

Leicester having added a body of fifteen thousand citizens to his army, marched from London, with a resolution to bring the controversy to an issue. From Fletching he despatched a letter to Henry, protesting that neither he nor his associates had taken up arms against the king, but against the evil counsellors, who enjoyed and abused the confidence of their sovereign. Henry returned a public defiance, which was accompanied by a message from Prince Edward and the king of the Romans, declaring in the name of the royal barons that the charge was false; pronouncing Montfort and his adherents perjured; and daring the earls of Leicester and Derby to appear in the king's court, and prove their assertions by single combat. After the observation of these forms, which the feudal connection between the lord and the vassal was supposed to make necessary, Montfort made an offer to the king of thirty thousand marks as a compensation for the ravages committed by the barons, on condition that the provisions of Oxford should still remain in force; and, having received a refusal, prepared for battle. It was the peculiar talent of this leader to persuade his followers that the cause in which they fought was the cause of Heaven. He represented to them that their objects were liberty and justice; and that their opponent was a prince whose repeated violation of the most solemn oaths had released them from their allegiance, and had entailed on his head the curse of the Almighty. He ordered each man to fasten a white cross on the breast and shoulder, and to devote the next evening to the duties of religion. Early in the morning he marched forward; and, leaving his baggage and standard on the summit of a hill, about two miles from Lewes, descended into the plain. Henry's foragers had discovered and announced his approach; and the royalists in three divisions silently awaited the attack. Leicester, having called before the ranks the earl of Gloucester and several other young noblemen, bade them kneel down, and conferred on them the order of knighthood; and the Londoners, who impatiently expected the conclusion of the ceremony, rushed with loud

[1] Wikes, 59, 60. West. 385. The earl of Gloucester also massacred the Jews in Canterbury; and the earl of Derby destroyed their houses at Worcester, and compelled them to receive baptism. As a justification, it was pretended that they were attached to the king, had Greek fire in their possession, kept false keys to the gates, and had made subterraneous passages from their houses leading under the walls.—Dunst. 368. West. 385, 386. Triv. 214.

[2] Dunst. 369. West. 385. Wikes, 60, 61. Annal. Roffen. 351.

shouts on the enemy.[1] They were received by Prince Edward, broken in a few minutes, and driven back as far as the standard. Had the prince returned from the pursuit, and fallen on the rear of the confederates, the victory might have been secured. But he remembered the insults which the citizens had offered to his mother, and the excesses of which they had lately been guilty; the suggestions of prudence were less powerful than the thirst of revenge; and the pursuit of the fugitives carried him with his followers of the army four miles from the field of battle. More than three thousand Londoners were slain; but the advantage was dearly purchased by the loss of the victory and the ruin of the royal cause. Leicester, who viewed with pleasure the thoughtless impetuosity of the prince, fell with the remainder of his forces on Henry and his brother. A body of Scots, who fought on foot, was cut to pieces. Their leaders, Baliol, Comyn, and Bruce, were made prisoners; the same fate befel the king of the Romans: and the combat was feebly maintained by the exertions and example of Philip Basset, who fought near the person of Henry. But when that nobleman sank through loss of blood, his retainers fled; the king, whose horse had been killed under him, surrendered; and Leicester conducted the royal captive into the priory. The fugitives, as soon as they learned the fate of their sovereign, came back to share his captivity, and voluntarily yielded themselves to their enemies.[2]

When Edward returned from the pursuit, both armies had disappeared. He traversed the field, which was strewed with the bodies of the slain and the wounded, anxiously, but fruitlessly, inquiring after his father As he approached Lewes, the barons came out, and on the first shock the Earl Warenne, with the king's uterine brothers and seven hundred horse, fled to Pevensey, whence they sailed to the continent. Edward, with a strong body of veterans from the Welsh marches, rode along the wall to the castle, and understanding that his father was a captive in the priory, obtained permission to visit him from Leicester. An unsuccessful attempt made by the barons against the castle revived his hopes; he opened a negotiation with the chiefs of the party; and the next morning was concluded the treaty known by the name of "the mise of Lewes." By this it was agreed that all prisoners taken during the war should be set at liberty; that the princes Edward and Henry should be kept as hostages for the peaceable conduct of their fathers, the king of England and the king of the Romans; and that all matters which could not be amicably adjusted in the next parliament should be referred to the decision of certain arbitrators. In the battle of Lewes about five thousand men are said to have fallen on each side.[3]

By this victory the royal authority was laid prostrate at the feet of Leicester. The scheme of arbitration was merely a blind to deceive the vulgar; his past conduct had proved

[1] It appears that the standard of the king was a dragon; the same had been the standard of the West-Saxon princes.—Dunst. 366. West. 387.

[2] Dunst. 370, 372. West. 387, 388. Wikes, 62. Paris, 853, 854. Rishanger, 32.

[3] West. 388. Dunst. 372. Wikes, 63. In a letter which has been preserved by Westminster, and which appears to be written by a well-informed contemporary, a different account is given of the conclusion of the battle Henry is said not to have surrendered, but to have retired into the priory, where he was joined by Edward, and reluctantly consented to the treaty, that he might save the lives of the king of the Romans and the noble captives, whom Leicester threatened to put to death. He adds that the arbitrators were to be two Frenchmen, chosen by six other French prelates and noblemen, and were to add to their number one Englishman, that a majority might be insured in case of diversity of opinion.—West. 393.

how little he was to be bound by such decisions; and the referees themselves, aware of the probable result, refused to accept the office. The great object of his policy was the preservation of the ascendancy which he had acquired. To Henry, who was now the convenient tool of his ambition, he paid every exterior demonstration of respect; but never suffered him to depart out of his custody; and, without consulting him, affixed his seal to every order which was issued for the degradation of the royal authority.[1] The king of the Romans, a more resolute and dangerous enemy, instead of being restored to liberty, was closely confined in the castle of Wallingford, and afterwards in that of Kenilworth; and the two princes were confided to the custody of the new governor of Dover, with instructions to allow of no indulgence which might facilitate their escape. Instead of removing the sheriffs, a creature of Leicester was sent to each county with the title of conservator of the peace. This officer was empowered to arrest all persons who should carry arms without the king's special license; to prevent all breaches of the peace; to employ the posse comitatus to apprehend offenders; and to cause four knights to be chosen as the representatives of the county in the next parliament. In that assembly a new form of government was established, to last, unless it were dissolved by mutual consent, till the compromise of Lewes had been carried into full execution, not only in the reign of Henry, but also of Edward, the heir-apparent. This form had been devised by the heads of the faction to conceal their real views from the people; and was so contrived that they retained in their own hands the sovereign authority, while to the superficial observer they seemed to have resigned it to the king and his council. It was enacted that Henry should delegate the power of choosing his counsellors to a committee of three persons, whose proceedings should be valid, provided they were attested by the signatures of two of the number. The king immediately issued a writ to the earl of Leicester, the earl of Gloucester, and the bishop of Chichester, authorizing them to appoint in his name a council of nine members; nor were they slow in selecting for that purpose the most devoted of their adherents. The powers given to this council were most extensive, and to be exercised without control whenever the parliament was not sitting. Besides the usual authority, it possessed the appointment of all the officers of state, of all the officers of the household, and of all the governors of the royal castles. Three were ordered to be in constant attendance on the king's person; all were to be summoned on matters of great importance; and a majority of two-thirds was required to give a sanction to their decisions. Hitherto the original committee seemed to have been forgotten; but it was contrived, that when the council was so divided that the consent of two-thirds could not be obtained, the question should be reserved for the determination of the three electors; an artifice by which, under the modest pretence of providing against dissension, they invested themselves with the sovereign authority. By additional enactments it was provided that no foreigner, though he might go, or come, or reside peaceably, should be employed under the government; that past offences should be mutually forgiven; that the two charters, the provisions

[1] Contra voluntatem nostram literas sigillo nostro, quo non nos, sed comes ipse utebatur pro suo arbitrio, formari fecit.—Apud Brady, ii. 653.

made the last year, in consequence of the statutes of Oxford, and all the ancient and laudable customs of the realm, should be inviolably observed; and that three prelates should be appointed to reform the state of the church, and to procure for the clergy, with the aid of the civil power, if necessary, full compensation for their losses during the late troubles.[1]

The earl was now in reality possessed of more extensive authority than Henry had ever enjoyed: but he soon discovered that to retain the object of his ambition would require the exertion of all his powers. The cause of the captive monarch was ardently espoused by foreign nations, and by the sovereign pontiff. Adventurers from every province of France crowded to the royal standard which Queen Eleanor had erected at Damme, in Flanders; and a numerous fleet assembled in the harbour to transport to England the thousands who had sworn to humble the pride of a disloyal and aspiring subject. To oppose them Leicester had summoned to the camp on Barham Downs, not only the king's military tenants, but the whole force of the nation;[2] and taking on himself the command of the fleet, cruised in the narrow seas to intercept the invaders. But the winds seemed to be leagued with the earl; the queen's army was detained for several weeks in the vicinity of Damme; and the mercenaries gradually disbanded themselves, when the short period for which they had contracted to serve was expired. At the same time the pontiff had commissioned Guido, cardinal bishop of Sabina, to proceed to England, and take Henry under the papal protection; but deterred by the hint of a conspiracy against his life, from crossing the sea, he excommunicated the barons unless before the first of September they should restore the king to all his rights; placed London and the cinque ports under an interdict, and at the same time summoned four of the English prelates to appear before him at Boulogne. After much tergiversation, these obeyed, but appealed from his jurisdiction to the equity of the pope, or a general council; and though they consented to bring back a sentence of excommunication against the king's enemies, they willingly suffered it to be taken from them by the officers at Dover. Their conduct was approved by the convocation of the clergy; the bishops, abbots, and barons appended their seals to the appeals, and Guido, after publishing the excommunication himself at Hesdin, returned to Rome, where he was elevated to the chair of St. Peter by the name of Clement IV.[3]

During the summer Leicester had been harassed with repeated solicitations for the release of the two princes, Edward and Henry. In the winter he pretended to acquiesce, and convoked a parliament to meet after Christmas, for the avowed purpose of giving the sanction of the legislature to so important a measure. But the extraordinary manner in which this

[1] Rym. i. 791—795. New Rym. 444. Brady, ii. App. No. 213, 214. New Rym. i. 443-4.

[2] The military tenants were ordered under the penalty of felony to bring into the field not only the force specified by their tenures, but all the horsemen and infantry in their power; every township was compelled to send eight, six, or four footmen well armed with lances, bows, and arrows, swords, cross-bows, and hatchets, who should serve forty days at the expense of the township; and the cities and burghs received orders to furnish as many horsemen and footmen as the sheriff might appoint. No excuse was to be allowed on account of the shortness of the time, the approach of the harvest, or any other private inconvenience.—See this extraordinary summons in Brady, ii. App No. 217; New Rym. 444.

[3] Dunst. 373, 374. Rym. i. 798—800. West. 388, 389, 394. Wikes, 63, 65. Rishanger, 39.

assembly was constituted provoked a suspicion that his real object was to consolidate and perpetuate his own power. Only those prelates and barons were summoned who were known to be attached to his party; and the deficiency was supplied by representatives from the counties, cities, and boroughs,[1] who, as they had been chosen through his influence, proved the obsequious ministers of his will. Several weeks were consumed in private negotiation with Henry and his son. Leicester was aware of the untameable spirit of Edward; nor would he consent that the prince should exchange his confinement for the company of his father on any other terms than that he should still remain under the inspection of his keepers, and evince his gratitude for the indulgence by ceding to the earl and his heirs the county of Chester, the castle of Pec, and the town of Newcastle-under-Lyne; in exchange for which he should receive other lands of the same annual value. At length the terms were settled, and confirmed by the parliament, with every additional security which the jealousy of the faction could devise. It was enacted, "by common consent of the king, his son Edward, the prelates, earls, barons, and *commonalty* of the realm," that the charters and the ordinances should be inviolably observed; that neither the king nor the prince should aggrieve the earl or his associates for their past conduct; that if they did, their vassals and subjects should be released from the obligation of fealty till full redress were obtained, and their abettors should be punished with exile and forfeiture; that the barons, whom the king had defied before the battle of Lewes, should renew their homage and fealty; but on the express condition that such homage and fealty should be no longer binding, if he violated his promise; that the command of the royal castles should be taken from suspected persons, and intrusted to officers of approved loyalty; that the prince should not leave the realm for three years, under pain of disherison; that he should not choose his advisers and companions himself, but receive them from the council of state; that with his father's consent he should put into the hands of the barons for five years, five royal castles, as securities for his behaviour, and should deliver to Leicester the town and castle of Bristol in pledge, till a full and legal transfer should be made of Chester, Pec, and Newcastle; that both Henry and Edward should swear to observe all these articles, and not to solicit any absolution from their oath, nor make any use of such absolution, if it were to be pronounced by the pope; and lastly, that they should cause the present agreement "to be confirmed in the best manner that might be devised, in Ireland, in Gascony, by the king of Scotland, and in all lands subject to the king of England."[2] These were terms which nothing but necessity could have extorted; and to add to their stability, they were for the most part embodied in the form of a writ, signed by the king, and sent to the sheriffs, with orders to publish them in the full court of each county twice every year.

It is generally supposed that the project of summoning to parliament the representatives of the counties, cities, and boroughs, grew out of that system of policy which the earl had long pursued, of flattering the pre-

[1] Rym. i. 803, 804.

[2] Par Irelond, par Gascoigne, par le roi de Eschoce, e par totes les teres sugeites au roi de Engletere.—Brad. i. App. 34. New Rym. 451. Does not this curious passage show that the parliament at this period considered the king of Scotland as a vassal of the English crown?

judices, and attaching to himself the affections, of the people. Nor had his efforts proved unsuccessful. Men in the higher ranks of life might penetrate behind the veil with which he sought to conceal his ambition; but by the nation at large he was considered as the reformer of abuses, the protector of the oppressed, and the saviour of his country. Even some of the clergy, and several religious bodies, soured by papal and regal exactions, gave him credit for the truth of his pretensions, and preachers were found, who, though he had been excommunicated by the legate, made his virtues the theme of their sermons, and exhorted their hearers to stand by the patron of the poor, and the avenger of the church.[1] Within the kingdom no man dared to dispute his authority; it was only at the extremities that a faint show of resistance was maintained. The distant disobedience of a few chiefs on the Scottish borders he despised or dissembled; and the open hostilities of the lords in the Welsh marches were crushed in their birth by his promptitude and decision. He compelled Roger de Mortimer and his associates to throw down their arms, surrender their castles, and abide the judgment of their peers, by whom they were condemned to expatriate themselves, some for twelve months, others for three years, and to reside during their exile in Ireland. They pretended to submit, but lingered on the sea-coast, and amid the mountains of Wales, in the hope that some new event might recall them to draw the sword, and fight again in the cause of their sovereign.[2]

It had cost Leicester some years and much labour to climb to the summit of his greatness; his descent was rapid beyond the calculation of the most sanguine among his enemies. He had hitherto enjoyed the co-operation of the powerful earls of Derby and Gloucester; but, if *he* was too ambitious to admit of an equal, *they* were too proud to bow to a fellow-subject; frequent altercations betrayed their secret jealousies; and the sudden arrest and imprisonment of Derby, on a charge of corresponding with the royalists, warned Gloucester of his own danger. He would have shared the captivity of his friend, had he assisted at the great tournament at Northampton; by his absence he disconcerted the plans of his enemy, and, recalling Mortimer and the exiles, unfurled the royal standard in the midst of his tenantry. Leicester immediately hastened to Hereford with the king, the prince, and a numerous body of knights. To prevent the effusion of blood, their common friends intervened; a reconciliation was effected; and four umpires undertook the task of reconciling their differences. But under this appearance of friendship all was hollow and insincere. Leicester sought to circumvent his adversary; Gloucester waited the result of a plan for the liberation of Edward, which had been concerted through the means of Thomas de Clare, brother to the earl, and companion to the prince.[3]

One day after dinner Edward obtained permission to take the air without the walls of Hereford, attended by his keepers. They rode to Widmarsh. A proposal was made to try the speed of their horses; several matches were made and run; and the

[1] Rym. i. 823. West. 395. It is amusing to compare the opposite writers of this period. Wikes, and the letter-writer in Westminster (392—395) are royalists, and severely censure the ambition and treason of Leicester; but in the estimation of the chroniclers of Dunstable (363), and of Waverley (220), he lived a saint, and died a martyr.

[2] Wikes, 65. West. 394. Rishanger, 41.

[3] Wikes, 66. West. 394. Of the solicitude with which Edward had been guarded, a curious instance is mentioned by the monk of Melrose, 240.

afternoon was passed in a succession of amusements. A little before sunset there appeared on Tulington Hill a person riding on a grey charger, and waving his bonnet. The prince, who knew the signal, bidding adieu to the company, instantly galloped off with his friend, another knight, and four esquires. The keepers followed; but in a short time Mortimer, with a band of armed men, issued from a wood, received Edward with acclamations of joy, and conducted him to his castle of Wigmore. The next day the prince met the earl of Gloucester at Ludlow. They mutually pledged themselves to forget all former injuries, and to unite their efforts for the liberation of the king, on condition that he should govern according to the laws, and should exclude foreigners from his councils.[1]

When Leicester received the news of Edward's escape, he conceived that the prince was gone to join the Earl Warenne and William de Valence, who a few days before had landed with one hundred and twenty knights on the coast of Pembrokeshire. Ignorant, however, of his real motions, he dared not pursue him; but issued writs in the king's name, ordering the military tenants of the crown to assemble at first in Worcester, and afterwards in Gloucester. To these he added circular letters to the bishops, accusing Edward of rebellion, and requesting a sentence of excommunication against all disturbers of the peace "from the highest to the lowest."[2] The royalists had wisely determined to cut off his communication with the rest of the kingdom by securing to themselves the command of the Severn. Worcester readily opened its gates; Gloucester was taken by storm; and the castle after a siege of two weeks was surrendered on condition that the garrison should not serve again during the next forty days. Every bridge was now broken down; the small craft on the river were sunk or destroyed; and the fords were either deepened or watched by powerful detachments. Leicester, caught as it were in the toils, remained inactive at Hereford; but he awaited the arrival of the troops to be furnished by the tenants of the crown, whom he had summoned in the king's name, and concluded with Llewellyn of Wales a treaty of alliance, by which, for the pretended payment of thirty thousand marks, Henry was made to resign all the advantages which he and his predecessors had wrested from the princes of that country. At last, reinforced by a party of Welshmen, the earl marched to the south, took and destroyed the castle of Monmouth, and fixed his head-quarters at Newport. Here he expected a fleet of transports to convey him to Bristol; but the galleys of the earl of Gloucester blockaded the mouth of the Avon; and Edward with the bravest of his knights made an attempt on the town of Newport itself. The part which lay on the left bank of the Usk was carried; but the destruction of the bridge arrested the progress of the victors, and Leicester with his dispirited followers escaped into Wales.[3]

Misfortune now pressed on misfortune: and the last anchor of his hope was broken by the defeat of his son Simon of Montfort. That young nobleman was employed in the siege of Pevensey, on the coast of Sussex, when he received the king's writ to repair to Worcester. On his march he sacked the city of Winchester, the gates of which had been shut against him, passed peaceably through Oxford,

[1] Rym. i. 811. Wikes, 67. West. 395. Mailros, 230. [2] Rym. i. 811—813.

[3] Rym. i. 814. Wikes, 68. Waver. 218, 219. Rishanger, 43.

and reached the castle of Kenilworth, the principal residence of his family. Here he remained for some days in heedless security, awaiting the orders of his father. Margot, a woman who in male attire performed the office of a spy, informed the prince that Simon lay in the priory, and his followers in the neighbouring farm-houses. Edward immediately formed the design of surprising them in their beds; and marching from Worcester in the evening, arrived at Kenilworth about sunrise the next morning. Twelve bannerets with all their followers were made prisoners; and their horses and treasures repaid the industry of the captors. Simon alone with his pages escaped naked into the castle.[1]

Leicester on the same day had crossed the Severn by a ford, and halted at Kempsey, about three miles from Worcester. Happy to find himself at last on the left bank of the river, and ignorant of the fate of his son and the motions of the enemy, he proceeded to Evesham, with the intention of continuing his march the next morning for Kenilworth. The prince had returned with his prisoners to Worcester, but left the city in the evening, and, to mask his real design, took the road which leads to Bridgenorth. He passed the river near Clains, and wheeling to the right, arrived before sunrise in the neighbourhood of Evesham. He took his station on the summit of a hill in the direction of Kenilworth; two other divisions, under the earl of Gloucester and Roger de Mortimer, occupied the remaining roads. As the royalists bore the banners of their captives, they were taken by the enemy for the army of Simon de Montfort. But the mistake was soon discovered. Leicester from an eminence surveyed their numbers and disposition, and was heard to exclaim, "The Lord have mercy on our souls, for our bodies are Prince Edward's." According to his custom, he spent some time in prayer, and received the sacrament. His first object was to force his way through the division on the hill. Foiled in this attempt, and in danger of being surrounded, he ordered his men to form a circle, and oppose on all sides the pressure of the enemy. For a while the courage of despair proved a match for the superiority of numbers. The old king, who had been compelled to appear in the ranks, was slightly wounded; and, as he fell from his horse, would probably have been killed had he not cried out to his antagonist, "Hold, fellow, I am Harry of Winchester." The prince knew the voice of his father, sprung to his rescue, and conducted him to a place of safety. During his absence Leicester's horse was killed under him; and, as he fought on foot, he asked, "if they gave quarter." A voice replied, "There is no quarter for traitors." Henry de Montfort, his eldest son, who would not leave his side, fell at his feet. His dead body was soon covered by that of the father. The royalists obtained a complete but sanguinary victory. Of Leicester's partisans all the barons and knights were slain, with the exception of about ten, who were afterwards found breathing, and were cured of their wounds. The foot-soldiers of the royal army (so we are told, to save the honour of the leaders) offered to the body of the earl every indignity.

[1] Wikes, 69, 70. Waver. 219. The monk of Melrose gives a singular reason why Simon and his knights slept out of the castle. It was for the sake of bathing as soon as they rose in the morning, which made them more alert in battle.—Mail. 230. His description of their surprise and flight is amusing. Cerneres ibi quosdam omnino nudos fugere, nonnullos bracchas tantum habentes super se, quosdam vero camisias et femoralia tantum. Multi tamen tulerunt pannos suos inter ulnas (231).

His mangled remains were afterwards collected by the king's orders, and buried in the church of the abbey.[1]

By this victory the sceptre was replaced in the hands of Henry. With their leader, the hopes of the barons had been extinguished; they spontaneously set at liberty the prisoners who had been detained since the battle of Lewes, and anxiously awaited the determination of the parliament, which had been summoned to meet at Winchester. In that assembly it was enacted, that all grants and patents issued under the king's seal during the time of his captivity, should be revoked; that the citizens of London for their obstinacy and excesses should forfeit their charter; that the countess of Leicester and her family should quit the kingdom; and that the estates of all who had adhered to the late earl should be confiscated. The rigour of the last article was afterwards softened by a declaration, in which the king granted a free pardon to those who could show that their conduct had not been voluntary, but the effect of compulsion.[2] These measures, however, were not calculated to restore the public tranquillity. The sufferers, prompted by revenge, or compelled by want, had again recourse to the sword; the mountains, forests, and morasses furnished them with places of retreat; and the flames of predatory warfare were kindled in most parts of the kingdom. To reduce these partial but successive insurrections occupied Prince Edward the greater part of two years. He first compelled Simon de Montfort and his associates, who had sought an asylum in the Isle of Axholme, to submit to the award which should be given by himself and the king of the Romans. He next led his forces against the men of the cinque ports, who had long been distinguished by their attachment to Leicester, and who since his fall had by their piracies interrupted the commerce of the narrow seas, and made prizes of all ships belonging to the king's subjects. The capture of Winchelsea, which was carried by storm, taught them to respect the authority of the sovereign; and their power by sea made the prince desirous to recall them to their duty and attach them to the crown. They swore fealty to Henry; and in return obtained a full pardon, and the confirmation of their privileges. From the cinque ports Edward proceeded to Hampshire, which with Berkshire and the neighbouring counties was ravaged by numerous banditti, under the command of Adam Gordon, the most athletic man of the age. They were surprised in Alton Wood, in Buckinghamshire. The prince engaged in single combat with their leader, wounded and unhorsed him; and then, in reward of his valour, granted him his pardon.[3] Still the garrison of Kenilworth continued to brave the royal power, and even added contumely to their disobedience. Having in one of their excursions taken a king's messenger, they cut off one of his hands, and sent him back with an insolent message to Henry. To subdue these obstinate rebels it was necessary to summon the chivalry of the kingdom; but the strength of the place defied all the efforts of the assailants; and the obstinacy of Hastings, the governor, refused for six months every offer which was made to him in the name of his sovereign.[4]

There were many, even among the royalists, who disapproved of the indis-

[1] Waver. 219, 220. Duns. 384. West. 395. Rishanger, 45. Mailros, 231, 232. Chron. de Laner. 76, 77.

[2] Claus. 50 Hen. III. m. 10, d. apud Brady, ii. 654.

[3] West. 396. Dunst. 385, 387. Wikes, 221, 222.

[4] Paris, 857. Claus. 50 Hen. III. m. 5, Brad. ii. 658.

criminate severity exercised by the parliament at Winchester; and a possibility was suggested of granting indulgence to the sufferers, and at the same time satisfying those who had profited by their forfeitures. With this view a committee was appointed of twelve prelates and barons, whose award was confirmed by the king in parliament, and called the Dictum de Kenilworth. They divided the delinquents into three classes. In the first were the earl of Derby, Hugh de Hastings, who had earned his pre-eminence by his superior ferocity, and the persons who had so insolently mutilated the king's messenger; the second comprised all who on different occasions had drawn the sword against their sovereign; and in the third were numbered those who, though they had not fought under the banner, had accepted office under the authority of Leicester. To all was given the option of redeeming their estates by the payment to the actual possessors of certain sums of money, to the amount of seven years' value by delinquents of the first class, of five by those of the second, and of two years or one year by those of the third.[1] By many the boon was accepted with gratitude; it was scornfully refused by the garrison of the castle of Kenilworth, and by the outlaws who had fled to the Isle of Ely. The obstinacy of the former was subdued by famine; and they obtained from the clemency of the king the grant of their lives, limbs, and apparel. The latter, relying on the strength of their asylum, gloried in their rebellion, and occasionally ravaged the neighbouring country. Their impunity was, however, owing to the perfidy of the earl of Gloucester, who, without the talents, aspired to the fame and pre-eminence of his deceased rival. He expressed his disapprobation of the award; the factious inhabitants of London chose him for their leader; and his presumption was nourished by the daily accession of outlaws from different parts of the country. Henry summoned his friends to the siege of the capital; and the earl, when he beheld from the walls the royal army, and reflected on the consequences of a defeat, condemned his own temerity, accepted the mediation of the king of the Romans, and on the condition of receiving a full pardon, gladly returned to his duty, leaving at the same time the citizens to the good pleasure of the king. His submission drew after it the submission of the other insurgents. If Llewellyn remained in arms, it was only with the hope of extorting more favourable terms. The title of prince of Wales, with a right to the homage of the Welsh chieftains, satisfied his ambition; and he consented to swear fealty to Henry, and to pay to him the sum of twenty-five thousand marks.[2] The restoration of tranquillity allowed the king to direct his attention to the improvement of his people. He condescended to profit by the labours of his adversaries; and some of the most useful among the provisions of the barons were with other laws enacted by legitimate authority in a parliament at Marlborough. To crown this important work, and to extinguish, if it were possible, the very embers of discontent, the clergy were brought forward with a grant of the twentieth of their

[1] Statutes of the Realm, 12—18. West. 398. Wikes, 223. Dunst. 391, 392. Provisions were made for the sale of parts of the estates in order to raise the money. Men who had no estates were to pay one-half of their goods and chattels, and find security for their future behaviour. Those who had neither lands nor goods were to swear that they would preserve the peace, find sureties, and stand to the judgment of the church.

[2] Dunst. 393. West. 398, 399. Rym. i. 841, 844, 849. Waver. 224. Wikes, 83, 84. Heming. 588. Annal. Norwic. 398. Abbrev. Placit. 181, Rot. 11.

revenues, as a fund which might enable those who had been prevented by poverty to redeem their estates according to the decision of the arbitrators at Kenilworth. The outlaws in the Isle of Ely were also reduced. The king's poverty had disabled him from undertaking offensive measures against them; but a grant of the tenth part of the church revenues for three years, which he had obtained from the pope, infused new vigour into his councils; bridges were thrown over the rivers; roads were constructed across the marshes; and the rebels returned to their obedience on condition that they should enjoy the benefit of the Dictum of Kenilworth, which they had so contemptuously and obstinately refused.[1]

The reader has seen Guido, the bishop of Sabina, at Boulogne, and has witnessed the decided part which he took in the contest between the king and the barons. His attachment to the royal cause was not weakened by his elevation to the papacy. From the chair of St. Peter he anxiously watched the course of events in the island; despatched the cardinal Ottoboni to take advantage of every favourable circumstance; forbade the payment of the tenth which the clergy had been induced to grant to Leicester; congratulated the prince on his escape; and repeatedly exhorted the barons to rescue their sovereign from the control of an ambitious subject. The news of the victory of Evesham filled him with joy. He instantly wrote to the king and the prince to express his gratitude to the Almighty for so propitious an event; but at the same time earnestly exhorted them to use with moderation the license of victory; to temper justice with mercy; to recollect that revenge was unworthy of a Christian, and that clemency was the firmest pillar of a throne.[2] When the legate arrived, he repeated the instructions of the pontiff, and disapproved of the harsh measures adopted by the parliament at Winchester. His object was the restoration of peace; and with this view he hesitated not to employ the papal authority against one party or the other, compelling them by censures to recede from the extravagance of their demands; and by diffusing a spirit of moderation, greatly contributed to the restoration of tranquillity. From temporal, Ottoboni turned his attention to ecclesiastical matters; and among the canons which he published in a council at London, many of those which regard commendams, residence, dilapidations, repairs, and the plurality of benefices, still retain the force of law in the ecclesiastical courts.[3] Before his departure he recommended the interests of the oriental Christians to a numerous concourse of people at Northampton, and gave the cross to the king for the sake of example, to the princes Edward and Edmund, to Henry the king's nephew, to twenty-two bannerets, and to more than one hundred knights.[4]

It must appear extraordinary that the heir-apparent and principal support of the crown should select the present moment for an expedition to Palestine. If the country was at peace, yet the wounds inflicted by the civil war were hardly closed; and the king was rapidly advancing in age, with a mind evidently unequal to the

[1] Paris, 856. Wikes, 82, 86. Duns. 397.
[2] Rym. i. 817—829.
[3] Wikes, 85. Otho, his predecessor, had vainly attempted to abolish the abuse, which was so prevalent in England, of bestowing a number of benefices on the same individual. On the present occasion some of the prelates appealed from the legate to the pope, but were induced the next morning to withdraw their appeal.—Ibid. Indeed it would not have succeeded. So inexorable was Clement on that subject, that as soon as he learned that his nephew possessed three benefices, he compelled him to resign two.—Spond. 222.
[4] Wikes, ibid. New Rym. 483.

cares of his station. But considerations of individual interest were absorbed in a generous enthusiasm for what was considered the common cause of all Christendom. Of the original kingdom of Jerusalem very little remained; to that little, however, the Christians clung with the most devoted attachment; and the loss of any fragment of it was sufficient to diffuse a deep sense of sorrow throughout Europe, and to array army after army in the hopeless task of preserving the remainder. Antioch had lately fallen; at the news the king of France, though his last expedition had cost him his liberty, and almost his life, reassumed the cross; and Edward immediately resolved to share with that accomplished monarch the danger and the merit of the new crusade. To Providence he ascribed the recent deliverance of himself and his father from the control of their enemies; and gratitude demanded that he should contribute to rescue the sepulchre of Christ from the pollution of the infidels. Perhaps, however, there was as much of policy as of devotion in his conduct. The crusade would open an honourable field for the exertions of turbulent and adventurous spirits, who might there employ against the Saracens those arms which at home they might be induced to turn against their own sovereign; and he had expressly stipulated, and the stipulation was confirmed by oaths and pledges, that the earl of Gloucester, the man whom he feared the most, should either accompany or follow him to Palestine. Having resolved to take with him his wife Eleanor, sister to Alphonso, the king of Castile, he appointed a guardian for his children, and governors for his castles, and committed the care of the succession, and the administration of the kingdom, in the event of Henry's death, to his uncle the king of the Romans, and after him to Henry d'Almaigne, the son of that monarch.[1] His departure was wisely preceded by acts of popularity, the grant of a new charter with the restoration of their liberties to the citizens of London, and a pardon for the earl of Derby, whose repeated treasons had deserved the utmost severity of punishment. But while the prince was thus employed, the Christian army had crossed the Mediterranean, and was mouldering away with disease on the sultry coast of Mauritania.[1] The easy Louis had been induced by his brother Charles to direct his arms in the first instance against the bey of Tunis, who had refused to the new king the tribute which he had paid to the former possessors of Sicily. When Edward arrived, he found the camp plunged in the deepest affliction. The African prince had indeed submitted; but Louis was dead of a dysentery; Philip, his son and successor, was anxious to take possession of his kingdom; and to men unacquainted with the climate, the navigation of the Mediterranean in the winter appeared a formidable undertaking. The English prince found himself compelled to return with his associates to Italy. Landing at Trapani, he fixed his residence at Palermo, that he might resume his journey with the first appearance of spring, and despatched his cousin Henry with private instructions to England. That prince was led by curiosity to visit Viterbo in the company of the kings of France and Sicily, to witness the election of a successor to Pope Clement IV. Early one morning he entered a church to hear mass. After its conclusion, he remained intent on his devotions, when he was suddenly alarmed by the sound of a well-known voice, exclaiming, "Thou traitor, Henry, thou shalt not escape."

[1] Rym. i. 861—864. Wikes, 90, 91.

Turning, he saw his two cousins, the outlaws Simon and Guy de Montfort, hastening towards him with their swords drawn, and in complete armour. The unfortunate prince immediately sprang to the altar. But the sanctity of the place could not save him. Of two clergymen who generously interposed, one was killed, and the other was left for dead. Henry himself fell under a multitude of wounds. The two brothers glutted their revenge with the mutilation of his dead body, dragged it to the door of the church, and mounted their horses in triumph, under the protection of the Count Aldobrandini, Guy's father-in-law. This sacrilegious assassination spread a general gloom over the city. The Montforts were instantly excommunicated by the college of cardinals; Charles issued orders for their apprehension; and Philip publicly expressed the deepest horror of their conduct. These princes were perhaps sincere; but no demonstrations of grief or resentment could expunge from the mind of Edward the suspicion that, if the murder were not perpetrated, at least the escape of the murderers was effected, with their consent or connivance.[1]

Richard, the king's brother, still retained his pretensions to the empire. He had lately revisited his nominal kingdom, entertained the German princes at Worms, and abolished with their concurrence the exorbitant customs levied on the passage of merchandise by the towns on both banks of the Rhine. Though advanced in age, he married a second wife, the daughter of Theodoric de Falquemort, a German baron; and proud of his young bride, hastened to display her superior beauty in his own country; but his vanity was checked by the melancholy catastrophe of his son, whose body he buried in the church of Hales, an abbey which he had founded. Soon afterwards his own remains were deposited in the same vault. At Kirkham a paralytic stroke had deprived him of the use of his limbs; nor could the skill of his physicians prolong his life beyond the month of March. Henry followed his brother. Repeated maladies had gradually worn out the king's constitution. In the spring of the year he had been in the most imminent danger, and had earnestly required by letter the return of Prince Edward. On his recovery he undertook to provide for the liquidation of his debts, by appointing commissioners to receive and administer his revenue, reserving for his private use no more than one hundred and twenty pounds in the year.[2] But the death of his brother, the murder of his nephew, and the absence of his son, added anxiety of mind to infirmity of body; his health rapidly declined; and he expired at Westminster, with the most edifying sentiments, in the fifty-seventh year of his reign. The abbey church, which he had rebuilt from the foundation, was selected for the place of his burial, and his body was deposited in the very tomb out of which he had formerly removed into a golden shrine the bones of Edward the Confessor. Many prelates and barons attended the funeral; before the sepulchre was covered, the earl of Gloucester stepped forward, and putting his hand on the body of the king, swore fealty to Prince Edward; and his example was eagerly followed by the surrounding spectators. The new monarch was immediately proclaimed by the style of Edward, king of England, lord of Ireland, and duke

[1] Rym. i. 871, 890, 892; ii. 4—10. Wikes, 92, 94.

[2] Rym. i. 871. Henry had on several other occasions retrenched the expenses of his household for the purpose of paying his debts.—Paris, 697, 890.

of Aquitaine; and from that day were dated the years of his reign.[1]

From the preceding pages the reader will have learned to appreciate the character of Henry. Gentle and credulous, warm in his attachments, and forgiving in his enmities, without vices but also without energy, he was a good man, and a weak monarch. In a more peaceful age, when the empire of the laws had been strengthened by habits of obedience, he might have filled the throne with decency, perhaps with honour; but his lot cast him into one of the most turbulent periods of our history, without the talents to command respect, or the authority to enforce submission. Yet his incapacity was productive rather of inconvenience to himself than of misery to his subjects. Under his weak but pacific sway the nation grew more rapidly in wealth and prosperity than it had done under any of his military progenitors. Out of the fifty-six years through which he extended his reign, but a very small portion was marked by the calamities of war: the tenants of the crown were seldom dragged by him into foreign countries, or impoverished by scutages for the support of mercenary armies; the proprietors, deprived of two sources of wealth, the plunder of an enemy, and the ransom of captives, turned their attention to the improvement of their estates; salutary enactments invigorated the spirit of commerce; and there scarcely existed a port from the coast of Norway to the shores of Italy, that was not annually visited by English merchants. This statement may perhaps surprise those who have listened only to the remonstrances of the factious barons, or the complaints of discontented historians; but the fact is, that of all the kings since the Conquest, Henry received the least money from the tenants of the crown. According to the most accurate calculation, the average amount of his expenses did not exceed twenty-four thousand marks per annum;[2] and we are assured that in the course of a reign, which continued half a century, the only extraordinary aids levied by him on the nation were two fifteenths, one thirtieth, and one fortieth for himself, and one twentieth for the relief of the Holy Land.[3] His great resource was the tenth of the ecclesiastical revenues, which he received for some years; an impost which, though insufficient to rescue him from the pressure of poverty, was calculated from its partial operation to exasperate the minds of those who were compelled to pay it. The clergy struggled in vain to shake off the burden; their writers have laboured more successfully to interest in their favour the feelings of posterity by the description, probably the exaggerated description, of their wrongs.[4]

[1] Rym. i. 888, 889. Wikes, 98. Annal. Wigorn. 499. By the native historians of the age the new church of Westminster was deemed superior in magnificence to any other in Christendom. Quam idem rex opere sumptuosissimo fabricatam, amota prorsus vetere, quæ nullius omnino valoris extiterat, de propriis fisci regalis exitibus a fundamentis construxit, quæ quidem sumptibus et decore sic cæteris per orbem ecclesiis præponi decernitur, ut videatur comparem non habere.—Wikes, 89.

[2] Postquam cœperat esse regni dilapidator.—Paris, 814. If these words mean from his accession, the average is 24,000, if from the year in which he came of age, about 30,000 marks.

[3] Carte, ii. 171. Of course the aids are not included which the tenants of the crown were obliged to pay by their tenures, and which were reckoned in the ordinary revenue of the year.

[4] Of these writers the most querulous is Matthew Paris, a monk of St. Alban's, partly the author, partly the compiler, of the ponderous volume which, with Rishanger's continuation, has been published under his name. It contains many original and some valuable documents; but the writer, accustomed to lash the great, whether clergy or laity, seems to have collected and preserved every malicious and scandalous anecdote that could gratify his censorious disposition. It may appear invidious to speak harshly of this favourite historian; but this I may say, that when I could

Before I proceed to the history of the next king, I may be allowed to notice a few miscellaneous but interesting particulars, which regard the legislature, the laws, the police, and the church of England.

I. During the reign of Henry, but while he was under the control of Leicester, we are surprised at the unexpected appearance of a parliament, constituted as our present parliaments are, of the lords spiritual and temporal, and the representatives of the counties, cities, and boroughs.[1] Was this the innovation of a bold and public adventurer, or merely the repetition of an ancient and accustomed form? Something more than a century ago, the question was fiercely debated between the adverse champions of the prerogative of the crown and of the liberties of the people; since that period it has been investigated with more coolness and impartiality; and most writers have agreed to pronounce the assembly of 1265 a new experiment, devised for the purpose of extending the influence, and procuring support to the projects, of Leicester. 1. In the history of the preceding reigns we shall search in vain for any satisfactory evidence that the cities and burghs sent their representatives to the national councils. Historians, indeed, sometimes mention the people, or the multitude, as awaiting the decision of the assembly, and testifying their approbation by their applause; but such passages may with propriety be understood of the neighbouring inhabitants, whom curiosity might lead to the spot; of the culprits and petitioners, the suitors and pledges, whose duty or whose interest it was to be present; and of the clergymen and monks, the knights and esquires, who were in attendance on their lords, the prelates and barons.[2] If at a later period some boroughs claimed the privilege of representation from remote antiquity, or if the members of the lower house boasted that they had formed a constituent part of the legislature from time beyond the memory of man; such pretensions may be attributed either to their ignorance of history, or to the use of legal expressions without any definite meaning.[3] To me all the great councils under the first Norman kings appear to have been constituted on feudal principles. The sovereign might claim an extraordinary aid from his liege man; but the consent of the man was requisite to legalize the aid; he might seek to make alterations in the laws and customs of the realm; but he was previously expected to ask the advice of those vassals whose rights and interests it was his duty, as their lord, to protect and improve. Hence all who held in barony were summoned to the great council; but, as the reader has seen, a line of distinction was soon drawn between the greater barons, the lords spiritual and temporal, and the lesser barons, the inferior tenants in chief. From their great property the former (and

confront his pages with authentic records, or contemporary writers, I have in most instances found the discrepancy between them so great, as to give to his narrative the appearance of a romance rather than a history.

[1] Rym. i. 803, 804.

[2] If the passage sometimes quoted from Eadmer (p. 26) proves any thing, it will prove that all the clergymen and monks who attended the archbishop were members of the council; and the other passage from the Gesta Stephani (p. 932) seems to describe nothing more than a crowd of spectators. The Rolls mention the approbation of the spectators, as being given occasionally to the determinations of parliament, even in the reign of Richard II.—Rot. Parl. iii. 360.

[3] The borough of St. Alban's, in a petition to the council in the reign of Edward II., says it had sent representatives under the king's father and his predecessors; that of Barnstaple, that it had always sent representatives by virtue of a charter of King Athelstan, which unfortunately was lost. I suspect that the framers of such petitions were accustomed to give to their pretensions an antiquity which, they knew, would not bear investigation.

through them their numerous tenantry) were deeply interested in almost every legislative enactment; and so extensive was their influence, that the royal authority could not, without their concurrence, carry any law into execution. Hence their presence in the national councils was exacted as a duty; and every unjustifiable failure on their part was punishable as a breach of that fealty which they owed to the crown. But with the inferior tenants the case was different. Their consent was implied in that of the greater barons; and as attendance must have proved expensive and inconvenient to men of small fortunes, it was but seldom enforced.[1] Hence on ordinary occasions the great council appears to have been composed of the bishops and abbots, the earls and barons, the ministers and judges, and the neighbouring knights holding of the crown; but on others, when the safety of the kingdom was at stake, or an extraordinary aid was to be granted, the king convoked an assembly of all his tenants in chief; in more early times perhaps by a summons directed to each individual separately,[2] afterwards by personal writs to the greater barons, and a general writ to the other tenants in each county.[3]

2. But though the immediate vassals of the crown were the only individuals possessing a personal right to be present in parliament, there are some instances in which the representatives of the counties were required to attend previously to the year 1265. It must at all times have been difficult for the sovereign to become acquainted with the real state of the country, from the interested reports either of his barons or his ministers. If then he wished to ascertain his own rights, or the wrongs of the people, or the peculations of his officers, he was accustomed to authorize a commission of knights in each shire, either named by himself, or elected in the county court, to proceed from hundred to hundred, to make inquiries upon oath, and to lay the result of their labours before him, either in council or parliament. Thus we are told that William the Conqueror, when he resolved to ratify the statutes of his Anglo-Saxon predecessors, ordered twelve "noble and sage men" to be chosen in each county, who should meet in his presence, and determine

[1] If we seek to discover the members of these councils in the description given of them in the original writs, our labour will be fruitless. There is something singularly ambiguous in their language. Thus in the confirmation of the great charter (9th Henry III.) we are told that a fifteenth has been granted in return by the bishops, earls, barons, knights, free tenants, and all of the kingdom—omnes de regno—an expression which would induce a belief that the representatives of the free tenants, the cities and boroughs, were present. Yet such inference cannot be supported. For in another writ we have a grant by the earls, barons, and all "others of the whole kingdom,—omnes alii de toto regno nostro;" and yet the same persons a few lines lower are described as the "earls, barons, and all others holding in chief of the crown,—et omnium aliorum qui de nobis tenent in capite."—Cl. 19 Hen. III. Brad. i. App. p. 43. In the same reign we find a fortieth granted by the bishops, earls, barons, knights, freemen, and *villeins*.—Claus. 16 Henry III. Brad. ii. App. No. 151. Certainly the villeins sent no representatives, and yet they are said to have made the grant. Probably, as the lord could at any time, with the permission of the crown, raise money by tallage on his free tenants, his burgesses, and his villeins, their consent was understood to be included in his. Thus in the grant of a thirtieth, five years later, it is said to have been made by the bishops, earls, barons, knights, and freemen for themselves and their villeins—pro se et villanis suis.—Cl. 21 Hen. III. Brad. ii. App. No. 159. New Rym. 232.

[2] Thus, when King John before the grant of Magna Charta sent only a general summons to his barons, knights, and all his liege men from Rochelle, he excused the informality of the writ, by alleging the necessity of expedition. Unicuique vestrum si fieri posset literas nostras super hoc transmisissemus, sed ut negotium cum majore expediretur festinatione has literas, &c.—Pat. 15 Johan. Brad. i. 40.

[3] Mag. Chart. c. 14.

by common consent what were the real laws of the kingdom.[1] In the Magna Charta the reader has seen a provision, according to which twelve knights were to be elected in the next court of each county, to inquire into the "evil customs of sheriffs, of forests and foresters, of warrens and warreners, and of the wardens of banks and their officers." Henry III. in his seventh year (1223) ordered every sheriff to inquire by means of twelve lawful and discreet knights, what were the rights and liberties of the crown in his shire, on the day on which the war began between John and the barons;[2] and in his 42nd year (1258) he appointed four knights in each county to inquire into all the "excesses, transgressions, and injuries committed by judges, sheriffs, bailiffs, and all other persons, and to make their report to him in council on a certain day."[3] The same may be observed with respect to the collection of taxes. In the most ancient instance on record, in the year 1207, the subsidy was collected under the inspection of the itinerant judges; but the method was accompanied with inconvenience and delay; and in 1220 we find writs to the sheriff, appointing him the collector, in conjunction with two knights to be chosen in a full court of the county with the consent of all the suitors.[4] In like manner among the demands of the barons at Runnymede, one was, that two justices should go their circuits four times a year, to hold assizes with four knights of the county chosen by the county.[5] I am aware that such knights were not members of parliament, but I have mentioned these instances to show that the election of knights of the shire to transact the business of the county was a custom of ancient standing. They collected the taxes, and made to the king the report of their grievances. When, however, they had advanced thus far, it required but an additional step to introduce them into the great council as the representatives of their electors, vested with the power of granting money, and of petitioning for redress; almost the only functions which for a long period after its establishment the House of Commons ventured to exercise. In confirmation of this theory it may be observed, that the knights of the shire, when they became regular members of parliament, received the same remuneration which had been assigned to them on former occasions. Anciently, as soon as they had made their report to the king,[6] afterwards at the conclusion of the session, they obtained writs, directing the sheriffs to defray, by a rate to be levied on the county, their expenses for so many days "in going, staying, and returning." The peers attended in their own right, and of course paid their own costs; but the knights were only the deputies of others, and therefore required compensation from those whose business they undertook to transact.

The most ancient writ summoning the representatives of the counties to parliament is dated in the 15th year of John, 1213. It may be divided into three parts. In the first the knights who had already been warned were ordered to meet the king in arms at Oxford, on a certain day. This was a summons to perform military service. The second part alluded to some occurrence not mentioned by historians, and directed the sheriff to bring up the bodies of the barons without arms, probably prisoners in his custody for trial. In the third it

[1] Hoved. 343.

[2] Brad. ii. App. 149.

[3] Brad. ii. App. No. 196.

[4] Ibid. No. 83, and tom. i. App. p. 41. New Rymer, 96, 177.

[5] New Rym. i. 129.

[6] Brad. ii. App. No. 197, 198.

was ordered that four discreet knights of the county should be sent to Oxford without arms to treat with the king concerning the affairs of the kingdom.[1] There can be little doubt that this last was a summons to parliament, as it is conceived in the same words as such writs of a later date. On the face of the writ, indeed, it does not appear whether the knights were to be chosen by the county, or appointed by the sheriff; but this ambiguity is done away in that which follows. In 1254 Henry III. was in Gascony; and by his directions Queen Eleanor, and the earl of Cornwall, the regents, summoned all persons holding land of the crown in chief, to the amount of twenty pounds per annum, to assemble at Portsmouth on an appointed day, and sail to the assistance of the king; and then ordered that, "besides these, two lawful and discreet knights should be chosen by the men of every county in the place of all and each of them, to assemble at Westminster, and to determine with the knights of the other counties what aid they would grant to their sovereign in his present necessity, so that the same knights might be able to answer in the matter of the said aid for their respective counties."[2] This writ embraces two objects. From the greater vassals of the crown it requires military service; from the other inhabitants of each county it demands pecuniary aid; and for that purpose prescribes the election of representatives, whose determination should be binding on their constituents. Whether the barons were summoned to assemble at the same place with the knights of the shires, is uncertain, but immaterial; for in that age the different orders voted their own money separately, and without the interference of each other. The next instance (which has been mentioned in the preceding pages) occurred seven years later. Leicester had summoned a parliament at St. Alban's, "to which each county was ordered to send three knights, that they might treat of the common concerns of the kingdom." But in the interval, a temporary reconciliation took place between him and Henry, and it was agreed that the king should hold a parliament on the same day at Windsor, and should issue new writs ordering the attendance of the same knights. They were called "to treat on the same subjects, and to convince themselves that the king intended nothing which was not for the honour and common advantage of the realm."[3] This appears to me to have been a real parliament, and was followed by the celebrated assembly of 1265.

But in this stage of the inquiry a question occurs, which, if we judge only from the reasoning which has been expended upon it, must be of very difficult solution. Were the knights of the shire the representatives of the tenants of the crown only, or of the whole body of freeholders? Many distinguished antiquaries have maintained that to ease the lesser barons from the burden of personal

[1] "Præcipimus tibi quod omnes milites ballivæ tuæ qui summoniti fuerunt esse apud Oxoniam ad nos a die omnium sanctorum in quindecim dies, venire facias cum armis suis; corpora vero baronum sine armis; similiter et quatuor discretos milites de comitatu tuo illuc venire facias ad eundem terminum ad loquendum nobiscum de negotiis regni nostri. XV. die Nov.—New Rymer, 117.

[2] Præter omnes prædictos venire facias coram concilio nostro quatuor legales et discretos milites de comitatibus prædictis (Bedford and Bucks), quos iidem comitatus ad hoc elegerint—vice omnium et singulorum eorundem, viz. duos de uno comitatu et duos de alio, ad providendum una cum militibus aliorum comitatuum quale auxilium nobis in tanta necessitate impendere voluerunt . . . Ita quod præfati quatuor milites præfato concilio nostro ad prædictum terminum respondere possint super prædicto auxilio pro singulis comitatibus prædictis. — 2 Prynne, p. 23. Brady, i. 212.

[3] Brady, ii. No. 203.

attendance, they were permitted to send their representatives; and thence have inferred that the other landholders of the county were totally excluded from all share in the election. But when we consider the language of the ancient writs, this theory will appear extremely improbable. Some ambiguity might perhaps arise from the expression of free tenants which was occasionally used to designate both the tenants of the crown by military service, and all other tenants by free service.[1] But can we believe that, if the exclusion did actually exist, it would never have been alluded to? The writs themselves seem to prescribe the opposite practice. They never mention the tenants in chief; they require no other qualification in the candidate than that he should be a lawful and discreet knight, nor in the electors than that they should be suitors of the county. They ordain that the election should be made in a full court, which, we know, comprehended all the free tenants without distinction,[2] and vest the persons elected with the power of binding by their votes not merely the tenants of the crown, but all individuals owing suit to the county. In absence then of all authority to the contray, it cannot be thought rash to assert, that the election belonged formerly, as it did in after-ages, to the freeholders at large, whether they held of the king, or of a mesne lord, or by military, or any other free service.

3. But if we occasionally discover the knights of the shire among the members of the great councils, we have no sufficient reason to believe that they were accompanied by the deputies of the cities and boroughs. Among the writs which were issued during the reigns of John and his son, and of which many have been preserved, there exists no vestige of a summons directing the return of citizens and burgesses more ancient than the administration of Leicester. We may safely pronounce it an innovation; but an innovation which the course of events must otherwise have introduced within a few years. During the lapse of two centuries the cities and boroughs had silently grown out of their original insignificance, and had begun to command attention from their constant increase in wealth and population. Taking advantage of the poverty of their lords, the inhabitants had successively purchased for themselves the most valuable privileges. In lieu of individual services they now paid a common rent; their guilds were incorporated by charter; and they had acquired the right of holding fairs, of demanding tolls, of choosing their chief magistrates, and of enacting their own laws. They were able to supply both men and money; and it became the obvious policy of the crown to attach them to its interests, by lightening their burdens, and attending to their petitions. Formerly, whenever the king obtained an aid from his tenants in chief, he imposed a tallage on his boroughs, which was levied at discretion by a capitation tax on personal property.[3] Though the inhabitants

[1] The distinction between them was accurately made by Fitz-Peter the justiciary. He orders the earls and barons to collect the fortieth for the Crusade from their tenants—from their military tenants a full fortieth, per servitium militare tenentes—from their free tenants a fortieth after the deduction of their rent; si fuerint libere tenentes—and then calls it a collection from the earls, barons, knights, and free tenants. —Hoved. 471. Where it appears that by the word milites, he meant military tenants, by libere tenentes, all others holding by free service.

[2] Thus the great charter was to be published in a full court, and we are told that the full court consisted of the barons, knights, and all the freeholders of the same county (Brad. ii. App. No. 145), exactly in the words of Fitz-Peter. In pleno comitatu tuo convocatis baronibus, militibus, et omnibus libere tenentibus.

[3] Thus Henry III., in his 21st year, obtained a thirtieth from the tenants of the

did not dispute this right of the crown, they bore with impatience the grievances, which on such occasions they experienced from the despotism of the royal officers; and frequently offered in place of the tallage a considerable sum, under the name of a gift; which if it were accepted, was assessed and paid by their own magistrates.[1] This was in reality to indulge them with the liberty of taxing themselves; and when the innovation had been once introduced, it was obviously more convenient in itself, and more consistent with the national customs, that the new privilege should be exercised by deputies assembled together, instead of being intrusted to the discordant judgment of so many separate communities. This did not escape the discernment of Leicester; and if the improvement was abandoned after his fall[2] (probably on account of the disgrace attached to his memory), its utility was appreciated by the succeeding monarch, who before the close of his reign regularly called to parliament the representatives of the cities and boroughs as well as those of the counties.

4. From the multitude of abbots and priors summoned by Leicester in 1264, some writers have inferred that he wished to secure a majority among the members by the introduction of his partisans from the monastic orders.[3] The truth is, that there was nothing unusual in the number. Originally indeed the obligation of attending at the great councils was confined to those ecclesiastics who held their lands by barony;[4] but *they* formed only a small portion of the regular and secular clergy, while the rest, though inferior in wealth and dignity, enjoyed the advantage of possessing their incomes free from the exactions to which the feudal tenants were subject. It was not, however, long before the rapacity of the crown invaded this valuable immunity. At first attempts were made to extend the aids granted by the bishops for themselves to all the clergy of their respective dioceses; but these were effectually resisted, probably on the ground that the prelates had no authority to dispose of the property of others.[5] John, in the year 1206, surmounted the difficulty. He called all the abbots and priors to parliament, and obtained from them the vote of a thirteenth; and then wrote to the archdeacons and clergy of each diocese, exhorting them to imitate so laudable an example, and to let him

crown and the freeholders of the counties (Brady, ii. App. No. 159); and at the same time exacted a tallage from the cities, boroughs, and demesne lands of the crown. Sicut civitates, burgos, et dominica nostra talliari fecimus.—Brad. i. 95.

[1] This distinction was made as early as the reign of Henry III. Plurimum interest si donum vel auxilium civitatis per singula capita commorantium in ea a justiciariis constituatur: vel si cives summam aliquam quæ principe digna videatur justiciariis offerant, et ab eis suscipiatur.—Apud Brad. i. 178. Thus when Henry III. in his 39th year demanded a tallage of 3,000 marks of the citizens of London, they offered a gift of 2,000, maintaining at the same time that they were not subject to tallage. But it was proved from the records in the Chancery and the Exchequer that they had been talliated in the years 1214, 1223, 1242, 1245, 1249, 1253; and the next day they thought proper to submit.—See the original writ in Brady, i. 178.

[2] According to Hody (Hist. of Convocations, p. 369), the burgesses attended at the parliament of 1269. He depends on the authority of Wikes, who indeed tells us that Henry summoned the most powerful men from the cities and boroughs to attend at the translation of the body of Edward the Confessor; as formerly on his return from France in 1243, he had summoned four deputies from each city and borough to meet him on the road in their best clothes and on valuable horses.—Paris, 534. But this was merely to do him honour on a particular occasion. Wikes then adds, that when the ceremony of the translation was over, a parliament was held by the *nobles*, an expression which seems to exclude the citizens and burgesses.—Wikes, 88, 89.

[3] Brady, i. 139. Henry, viii. 94.

[4] Leg. Sax. 324.

[5] See an instance in the Annals of Waverley, p. 169.

know by a certain day the amount of the aid which each individual was willing to grant.[1] His son trod in the footsteps of the father; at one time he commissioned the bishops to collect a voluntary contribution from the clergy;[2] at another he ordered the sheriffs to summon to parliament the abbots and priors "who did not hold of the crown," in order to grant him a subsidy;[3] at last it became customary to issue writs, not only to them, but also to the deans and archdeacons, and to order the latter to come furnished with letters of procuration from the collegiate bodies, and those classes of the inferior clergy over whom they presided.[4] The exactions of Innocent IV. suggested a new practice. The grants to that pontiff had been voted in convocation; and Edward I. was content that the wants of the crown should be relieved in the same manner. During the whole of his reign we find him demanding aids of the clergy, sometimes in parliament, sometimes in convocation. In the first case the minor dignitaries of the church were summoned to attend personally; while the parochial clergy of each diocese, like the freeholders of each county, sent representatives.[5] In the second the king notified his wish to the archbishop, who immediately convoked the clergy of his province to appear before him, and take into consideration the message which they should receive from the king.[6] Of the two methods the clergy preferred the latter; attendance in parliament they deemed a burden rather than an honour; and in convocation they enjoyed greater freedom of debate, uninfluenced by the presence or the menaces of others. Hence they protested against the legality of the royal summons; numbers absented themselves under different pretexts; and the few who were present alleged that they possessed no authority to bind the whole body. Gradually the crown condescended to their wishes. Provided they granted their money, it was of little consequence whether they met in convocation or in parliament, and though, to maintain his claim, the king was careful to include in the summons to the bishop the usual clause respecting the clergy of his diocese, it was mutually understood to be a mere matter of form, and not meant to be carried into execution.

II. The reader has witnessed the repeated attempts of the legislature to enforce the execution of the great charter. Its provisions now became the chief object of the people in every struggle with the crown; and each succeeding confirmation, though a proof of the impunity with which the former had been evaded or broken, yet added something to its subsequent stability. As new cases arose, additional enactments were made.

[1] See the original writ, dated at York, May 26, ann. viii. in Hody, 270.

[2] Dunst. 98, 268.

[3] Abbates et priores de comitatu qui non tenent de rege in capite.—Cl. 19 Hen. III. apud Hody, 313.

[4] In 1254, Henry III. requested each bishop to call before him the chapter, archdeacons, monks, and clergy of his diocese, induce them to grant an aid, and order them to send deputies to inform him of their proceedings in the next parliament.—Cl. 38 Henry III. apud Hody, 340. See also Annal. Burton, 355—357.

[5] Decanos ecclesiarum cathedralium et archidiaconos in propriis personis, clerumque uniuscujusque diocesis per duos procuratores.—Knyght, 2501.

[6] Thus Archbishop Peckham calls a convocation of the bishops, abbots, priors, superiors of religious houses, exempt and not exempt, deans of cathedral and collegiate churches, and the archdeacons, to appear before him super his, quæ ex parte domini regis in congregatione prædicta exposita fuerint, tractaturi; and moreover orders two procurators to be chosen by the clergy of each diocese, and one by each chapter of collegiate churches, with full powers to treat on the same subjects.—Ex Reg. Peckham apud Hody, 138.

In a great council at Merton in 1236, the rights of widows were more strictly enforced; remedies were provided against the artifices by which lords had been deprived of the wardships of heirs, and against the injuries which wards might suffer from the rapacity of their guardians; and with a due attention to the interests of the lord and his tenants, the former was empowered to cultivate the waste land on his estate, but at the same time forbidden to encroach on the common pasturage necessary for the accommodation of the latter.[1] In this assembly was also decided the great question of the bastardy of children born before the marriage of their parents. By the custom of England they were deprived of all title to the inheritance; by the civil and canon laws they were equally legitimate with the children born in matrimony. Hence as the cognizance of bastardy belonged to the spiritual courts, which followed the latter, and the right of inheritance was determined by the secular courts, which followed the former opinion, the two judicatures were frequently brought into collision; and the bishops requested that the king's writs should no longer direct them to inquire specially whether the individual in question were born before or after marriage, but generally whether he were legitimate or not. They objected to the practice of the other courts: 1. That it was contrary to the Roman and canon law; 2. That it was unjust; because it deprived of the right of inheritance the issue of clandestine marriages, though such marriages were not annulled by any law; and 3. That it was inconsistent with itself; because while it bastardized the child born, it legitimated the child that was only conceived, before marriage, though in both cases the moral guilt of the parents was exactly the same. But their arguments were fruitless.[2] The earls and barons unanimously returned the answer, which has been so often repeated and applauded: "We will not change the old and approved laws of England."[3]

But if the clergy failed in this instance, they had previously succeeded in procuring the abolition of a very ancient but indefensible custom. Though the trial by ordeal was consecrated with religious ceremonies, the popes had always condemned it as an unwarranted appeal to the judgment of the Almighty; and by Gratian the condemnation had been inserted in the canon law. On this account it was abolished, probably by the influence of Gualo, in the beginning of the king's reign; but to devise a new form of trial, which might be substituted in its stead, perplexed and confounded the wisdom both of the judges and of the government. The itinerant justices received orders in Henry's third year to divide the prisoners who would otherwise have been subjected to the ordeal into three classes. When the presumption against the accused was strong, and his character notoriously bad, he was to be remanded to prison and kept in close custody till his fate should be determined by the council; a few shades of difference in the malice of the offence, or a greater degree of uncertainty as to his guilt, or a more favourable character, placed

[1] Stat. 20 Henry III. Statutes of Realm, p. 1.

[2] See a letter from the celebrated Grosseteste, bishop of Lincoln, to Sir William Raleger, one of the judges, apud Brown, App. ad Fascic. Rer. p. 316. From it we learn that during the performance of the marriage ceremony the illegitimate children were placed by the side of their parents, and under the same canopy, to show that they partook of the benefits arising from a legitimate marriage.

[3] Nolunt leges Angliæ mutare; quæ usitatæ sunt et approbatæ.—Stat. 20 Hen. III. c. 9. Stat. p. 4.

him in the second class of those who were compelled to abjure the realm; if he had been committed for a minor transgression only, or for some breach of the king's peace, he was to be set at liberty on giving security for his good behaviour. This was only a provisional and inadequate regulation; but no statutory enactment followed; and the judges of their own authority adopted a practice, which had been silently creeping into the criminal courts ever since the proof of innocence by compurgation had been abolished under Henry I. When a prisoner found himself incapable of battle, or was afraid of the trial by ordeal; he would solicit, and sometimes purchase, of the crown, permission to put himself on his country; that is, to have the question of fact determined by inquest of the jurors of the court, as was generally done in civil suits.[1] It had been hitherto a favour which depended on the discretion of the judges, and was as often refused as granted; but now it was offered gratuitously to all, and was gladly accepted by most. The accused had, indeed, the right of rejecting it; but if he did, if he refused to plead before a jury, he might be remanded to prison, and be made to suffer the peine forte et dure, till he either perished the victim of his own obstinacy, or submitted to the pleasure of the court. Hence arose our present institution of trial by jury in criminal cases.[2]

III. In his thirty-sixth year Henry published regulations for the preservation of the peace, which deserve the notice of the inquisitive reader. 1. He renewed and improved the assize of arms, which had been introduced by his grandfather. The different classes were modelled anew; and every man between the ages of fifteen and sixty was ranked according to his annual income arising from land or moveables, from the amount of forty shillings to that of fifteen pounds. 2. All these were sworn to provide themselves with the arms proper to their class, and were ordered to join, whenever they should be required, the hue and cry in the pursuit of offenders. For this purpose they were placed under the command of their respective officers; in the cities and boroughs under the mayor and bailiffs, and in the villages under the constable or constables of the township, all of whom obeyed the authority of the chief constable of the hundred. 3. Watch was ordered to be kept from sunset to sunrise during the nights between the feast of the Ascension and that of St. Michael; in the villages by four or six stout and good men armed with bows and arrows and other light weapons; in the boroughs by a company of twelve, and in the cities by companies of six stationed at every gate. If any stranger attempted to enter or depart after the watch was set, he was instantly arrested, and confined for examination till the following morning; nor could a traveller, who arrived by daylight, remain longer than two days in any village or township, unless it were during the time of harvest, or his host would become surety for his conduct. For the greater security of the merchant who was on his road, the mayor and bailiff were bound to furnish him, on requisition, with a guard; and if he numbered his money in their pre-

[1] See instances in Rot. Curiæ Reg. of Rich. I., and 1 John, vol. i. 204; ii. 30, 97, 121, 173, 230, 245. On these occasions the accused frequently pleaded that the charge was founded in malice and hatred, and asked that the jury might inquire, "utrum atia sit vel non."—Ibid. ii. 30, 97.

[2] See Sir Fran. Palgrave's "Commonwealth," clxxxvi. et seq., where the reader will find much curious and valuable information on this very interesting subject.

sence, and were afterwards robbed, he could recover the amount of his loss from the inhabitants, who were judged guilty of a breach of their duty to the king by neglecting to pursue the measures necessary to preserve his peace in their neighbourhood.[1]

IV. The church of England during this period was adorned by the virtues and abilities of several among its prelates, three of whom may justly claim the attention of the reader. 1. He is already acquainted with the character of Cardinal Langton, his zeal in the cause of freedom, his suspension from the archiepiscopal office, and his compulsory visit to the court of Rome. As soon as Henry was firmly fixed on the throne, Langton received permission to resume the government of his diocese. From that period he chiefly confined his attention to ecclesiastical concerns; and the fruit of his labours was a code of discipline of forty-two canons, which he published in a synod at Oxford.[2] But he still continued to behold the two charters with the attachment of a parent; and at the call of the barons, readily placed himself again at their head to demand from Henry the confirmation of their liberties. He died in 1228. His writings have perished; he is said to have divided the Bible into chapters, an improvement which was universally adopted, and is still retained.

2. The second of the successors of Langton was Dr. Edmund Rich, a prelate universally acknowledged to be equal in learning, superior in piety, to most men of the age. He studied and taught in the university of Paris; returned to England to deliver lectures at Oxford; and was made prebendary and treasurer of the church of Sarum. His next preferment was to the highest dignity in the English church, the archiepiscopal see of Canterbury. It was with unfeigned reluctance that he accepted it. He felt that the timidity of his conscience would not suffer him to acquiesce in the disorders of the age, and that the gentleness of his temper had not fitted him for the stern office of a reformer. Experience justified his apprehensions; many disapproved of his zeal; and the monks of his own church, the ministers of the crown, and even the pontiff himself, often opposed, occasionally defeated, his well-meant endeavours. For several years he struggled against these difficulties; at length he sank under them. Fearing that he might appear to approve by his presence the abuses which he could not remedy by his authority, he voluntarily exiled himself from England, chose for his residence the monastery of Pontigni in France, and died the following year, at Soissy, where he had removed for the benefit of the air. Even his adversaries acknowledged the innocence of his life and the uprightness of his motives; and within six years after his death he was canonized by Innocent IV. with the unanimous approbation of the bishops of England and France.[3]

3. The third prelate whom I shall mention is one to whose history considerable interest has been attached by the partiality of modern writers. Robert Grosseteste was indebted for his education to the charity of the mayor of Lincoln; and by his proficiency amply repaid the discernment

[1] Apud Paris, 1145, et pone adversaria.

[2] In this synod a clergyman in deacon's orders was convicted of apostasy, delivered to the secular power, and condemned to be burnt. He had suffered himself to be circumcised, that he might marry a Jewish woman. This is, I believe, the first instance of capital punishment in England on the ground of religion; but it occurred long before the statute de hæretico comburendo. —Wikes, 39. Waverley, 187.

[3] Paris, 476, 486, 627.

of his benefactor. He taught at Oxford with unbounded applause; in the catalogue of his works we discover treatises on almost every branch of science; and he was pronounced by Friar Bacon (a competent judge judge for the age) perfect in divine and human knowledge.[1] From a prebendal stall he was promoted to the episcopal throne in the church of of Lincoln; and an extensive diocese offered him a fair field for the display of his abilities and the exertions of his zeal. With the same views as his metropolitan he brought to the contest a very different character, a resolution of mind which no difficulty could daunt, no defeat could subdue. When that amiable prelate advised him to desist from an impracticable attempt, and wait in patience for more favourable times, he replied that he should do his duty, and leave the consequences to Heaven. He had persuaded himself that every disorder in the flock might be ultimately traced to the negligence or incapacity of the pastor; and grounding his conduct on this principle, invariably refused institution to every pluralist; to clergymen employed in courts of judicature, or the collection of the revenue; to all who from disposition or circumstances were unwilling or unable to reside on their benefices. The presentees complained; the patrons stormed; the ministers of the crown threatened; but no complaints, nor reproaches, nor threats, could move the resolution of Grosseteste.[2] In the visitation of his diocese he experienced more formidable difficulties. The laity sheltered themselves from his inquiries under the protection of the civil courts; the clerical and monastic bodies pleaded ancient custom or papal exemptions; and all parties appealed to the protection of the king and the equity of the pontiff. To break or surmount the opposition which had been formed against him, cost the bishop much anxiety and expense, several harassing lawsuits, and two journeys to the papal court. By Innocent IV. he was not only treated with respect, but the principal of his demands were granted: and those powers were delegated to him which appeared necessary for the reformation of his diocese.[3] His chapter was brought to acknowledge not only a nominal, but an effective jurisdiction in their bishop. He visited the convents and monasteries, deposed negligent or inefficient superiors, and enforced the observation of the monastic rules[4] with an exactitude, which earned for him the honour of being reviled by the historian of St. Alban's.[5]

In his transactions with the court of Rome Grosseteste exhibited an equal inflexibility of character. No man, indeed, ever professed a more profound veneration for the successors of St. Peter, or entertained more exalted notions of their prerogatives. From his works it appears that he

[1] Ang. Sax. ii. 344, 345.

[2] Gross. ep. 11, 53, 108, 124, 125, 128. Par. 507. Dunst. 252.

[3] At his second visit to Lyons, Grosseteste presented a memorial on the evils of the church, which proves how little he was disposed to flatter, even when he solicited a favour. It may be divided into three parts. In the first he describes the evil of bad pastors, which he refers ultimately to the papal court, because it might prevent it, if it chose, and because it encouraged it by provisions and impropriations; in the second he enumerates the obstacles opposed to the zeal of the bishops by exemptions, appeals, secular judges, the ingenuity of lawyers, and the hostility of ministers; in the third he paints the abuses to be remedied in the papal court itself, the irregular conduct of the lower class of servants, the venality of the judges, and the immoderate use of the clause non obstante. To the honour of Innocent, he ordered this memorial to be read in the consistory of the cardinals, and gave the bishop repeated proofs of his esteem.—See Brown, Fasicul. ii. 250; Gross. ep. 113, 114.

[4] Gross. ep. 77, 80, 81, 90, 95, 121. Paris, 603, 704, 713. Burt. 317, 323. Duns. 230, 236, 237, 284.

[5] Paris, 713.

gave to their decretals the force of law in all Christian nations; that he maintained as the cause of God every immunity which they had conferred on the clergy; and that he inculcated with unusual vehemence the doctrine of what has since been termed the *indirect* superiority of the spiritual over the temporal power.[1] Yet with these sentiments as to the nature, he would often dispute the exercise of their authority. Neither pope nor legate could prevail on him to give institution to foreign clergymen, presented to benefices in his diocese.[2] When the nuncio sent him a provision, by which Frederic of Louvain, the nephew of Innocent IV., was promoted to a prebend in the church of Lincoln, Grosseteste replied in language singularly energetic, that the provision was contrary to the good of the church and the welfare of the souls; that he would not consider it as emanating from the pontiff; and that he should never deem it his duty to carry it into execution.[3] This answer, bold as it may appear, was only a repetition of the doctrine which he had formerly maintained in the presence of Innocent himself;[4] and so far was it from exciting passion or resentment in the breast of that pontiff, that, as soon as he received it from his agent, he wrote a letter in exculpation of his conduct, and proposed that remedy for the abuse of provisions which has been already described in these pages.[5]

The principal advisers of Grosseteste were selected from the two new orders lately introduced into England, of Friars Preachers instituted by St. Dominic, and of Friars Minors established by St. Francis. Both were designed by their founders to aid the parochial clergy in the discharge of their functions; and they performed that duty with the zeal which always invigorates the infancy of religious institutes. Their diet was abstemious, their clothing coarse and scanty; by the practice as well as the profession of poverty they excluded the suspicion of self-interest; and the people readily listened to the instruction of men who could be actuated by no other motive than that of their spiritual welfare. From each of these orders Grosseteste called the most distinguished to his council; he was accompanied by them in his visitations; he ordered them to preach in his presence, and applauded and stimulated their exertions.[6] Thus he spent eight-and-twenty years in the administration and improvement of his diocese. His death was lamented as a public loss; his virtues were embalmed in the recollection of posterity.[7]

Of Henry's children the greater part died in their childhood. Two sons and two daughters survived him. Edward, the eldest, had married Eleanor, the daughter of Ferdinand, king of Castile, and enjoyed during the life of his father a yearly income of fifteen thousand marks. Edmund had obtained, by the forfeiture of the

[1] Gross. ep. 23, 35, 111. Cui non obedire quasi peccatum est hariolandi, et quasi scelus idololatriæ non adquiescere.—Ep. 119.

[2] Id. ep. 49, 52, 74. [3] Gross. ep. 128.

[4] Sicut Christo in omnibus est obediendum, sic et præsidentibus huic sedi sacratissimæ, in quantum vere præsidentibus, in omnibus est obtemperandum; sin autem quis eorum, quod absit, quicquam præcipiat Christo præceptis et voluntati contrarium, obtemperans ei in hujusmodi manifeste se separat a Christo.—Serm. Rob. Linc. apud Brown, ii. 264.

[5] See p. 207. The contemporary annalist of Burton assures us that Innocent's letter was occasioned by the reply of Grosseteste to his agent (Burt. 326—330); a sufficient refutation of the ridiculous tales which are told us by Paris, 750, 752, 755.

[6] Gross. ep. 40, 41, 114.

[7] The story that he died under a sentence of suspension or excommunication rests on very questionable authority. It probably arose from the comminatory denunciations of the provision which he had rejected.

Montforts, the numerous estates with the honours of that family, and thus laid the foundation of the power which enabled his descendants of the house of Lancaster to wrest the sceptre from the hands of Richard II., and retain it to the prejudice of the rightful heir. The daughters were Margaret, queen of Scotland, and Beatrix, duchess of Bretagne.

CHAPTER VII.

EDWARD I.—A.D. 1271.

CONTEMPORARY PRINCES.

Emp. of Germ.	*K. of Scotland.*	*K. of France.*	*K. of Spain.*
Rodolph 1291	Alexander III...1286	Philip III.....1285	Alphonso X.....1284
Adolphus..... 1298	Margaret 1290	Philip IV.	Sancho IV.....1295
Albert.	Interregnum 1292		Ferdinand IV.
	Baliol 1296		
	Interregnum 1306		
	Robert I.		

Popes.

Gregory X. 1276. Innocent V. 1276. Adrian V. 1276. John XXI. 1277. Nicholas III. 1280. Martin IV. 1285. Honorius IV. 1287. Nicholas IV. 1292. Celestin V. 1294. Boniface VIII. 1303. Benedict XI. 1304. Clement V.

EDWARD RETURNS FROM PALESTINE—CONQUERS WALES—CLAIMS THE SUPERIORITY OF SCOTLAND—RECEIVES THE ABDICATION OF BALIOL—IS OPPOSED BY WALLACE—CONQUERS SCOTLAND—COMMONS IN PARLIAMENT—ROYAL EXACTIONS—OPPOSITION OF CLERGY AND BARONS—AIDS TO BE LEVIED ONLY WITH THE CONSENT OF PARLIAMENT—IMPROVEMENT IN THE LAWS—PERSECUTION OF THE JEWS—BRUCE CLAIMS THE CROWN OF SCOTLAND—EDWARD MARCHES TO CARLISLE—AND DIES.

If Edward had been disposed to obey the will of his father, he might have revisited England without dishonour, when the army broke up on the coast of Africa, and the principal leaders returned to their respective dominions. But curiosity and devotion silenced the suggestions of duty and interest; he sailed from Trapani; landed at Acre; viewed from the walls the tents of the Saracens; and mourned over the last relics of the empire founded by the first Crusaders. His followers did not amount to one thousand men; but there was a magic in the name of a prince whose blood was derived from the same source with that of the "lion-hearted Richard;" and both Christians and infidels expected that he would equal the fame of that hero. Bondocar, the sultan of Babylon, who had already prepared to assault the city, retired immediately across the desert into Egypt; and Abagha, the Tartar khan of Persia, proposed to him an offensive alliance against the common enemy of the Moguls and Christians. But with every exertion he could never collect more than seven thousand men under his standard, a force too inconsiderable to venture far from the coast; and, though he remained eighteen months at Acre, an expe-

dition to Nazareth, the capture of two small castles, and the surprise of a caravan, comprehend the whole history of his military labours. Instead of the laurels of a conqueror, accident invested him with the glory of a martyr. The emir of Joppa, by the instructions of Bondocar, and under the pretence of embracing Christianity, had succeeded in obtaining the confidence of the prince; and frequent letters, accompanied with presents, concealed and facilitated the design which he had formed.[1] On the Friday in Whitsun week his messenger, whose repeated arrivals had relaxed the vigilance of the guards, was incautiously permitted to enter the apartment, in which Edward, clad in a loose mantle, was reposing on his couch during the heat of the day.[2] The infidel seized the opportunity to aim a desperate blow at the heart of the prince, who received it on his arm, grappled with the assassin, and throwing him on the ground, despatched him with his own weapon. Still, however, the danger was great; the dagger had been dipped in poison; several wounds had been received in the struggle, and Edward, aware of the probable consequences, hastened to prepare and sign his will. Fortunately every dangerous symptom was removed by the skill of an English surgeon, who pared away the sides of the wounds; and in a few weeks the king, through the attentions of an affectionate wife, and the aid of a vigorous constitution, was restored to perfect health. The adventure was of itself romantic enough; but a Spanish historian has contrived to add to its interest, by attributing his cure to the piety of Eleanor, who, with imminent hazard to her own life, is said to have sucked the poison from the wound of her husband.[3]

The conclusion of a truce with the sultan for ten years gave a long respite to the Christians of Acre, and allowed the prince an opportunity of returning to Europe with honour. At Trapani he received an invitation to Rome from Gregory X. That pontiff, with the more humble title of archdeacon of Liege, had accompanied Edward in his expedition to Palestine; but the fame of his virture and learning had induced the cardinals at Viterbo to recall him from Acre to fill the chair of St. Peter; and the new pontiff was eager to display his gratitude to the prince with whose friendship he had formerly been honoured. As Edward travelled through Sicily and Calabria, he received the first news of his father's death; and the tears which he shed on the occasion, though they excited the surprise of Charles of Anjou, bore honourable testimony to the goodness of his heart.[4] He spent but two days at Rome; and proceeding to Orvieto, was most affectionately received by Gregory, from whom he demanded justice against the assassins of his cousin, Henry d'Almaigne. Simon de Montfort was already dead; but Guy, and his father-in-law Aldobrandini, were cited before the pontiff. The defence or purgation of the latter was admitted; the former, conscious of his guilt, did not appear. He was convicted of sacrilege and murder, was pronounced infamous and an outlaw, and was rendered incapable of inheriting, possessing, or bequeathing property, or of filling any situation of trust, honour, or emolument in the state.[5] Edward's journey through Italy was a triumphal pro-

[1] The monk of Melrose received this account from a knight, one of the Crusaders (241); and it is confirmed by William of Tripoli, who then resided at Acre.—Spond. 245.

[2] Hora vesperarum—about three in the afternoon.—Heming. 590.

[3] Heming. 590. Ep. Mart. V. apud Martene, II. 1297.

[4] Trivet. 240.

[5] Rym. i. 890, ii. 4—10. Here I may be

cession; he was considered as the champion of Christendom, the martyr of the cross; at every city the magistrates, clergy, and people, came out to receive him; and the Milanese forced on his acceptance valuable presents of horses and scarlet cloth. At the foot of Mount Cenis he was met by the count of Savoy; and soon afterwards received the congratulations of a body of English knights and prelates.[1] He proceeded to Paris, and did homage to Philip for the lands which "he held by right of the crown of France." From Paris it was expected that he would hasten to England; but he was called back to Guienne by the distracted state of that province, and detained there till the conclusion of the general council, which had been summoned to meet at Lyons. It was during this interval that he was challenged to a tournament by the count of Chalons, who, it was afterwards said, under the pretence of doing him honour, concealed a most atrocious design against his life. The pontiff by letters earnestly exhorted the king to refuse, observing to him that no monarch had ever condescended to tilt at a tournament; that such feats of arms had been forbidden by the church, on account of the murders with which they were frequently disgraced; and that it was folly in him thus to expose himself to the sword of the assassin, who, he had reason to suspect, at that very time thirsted for his blood.[2] But Edward's honour was at stake; on the appointed day he entered the lists, attended by a thousand champions, partly on foot, partly on horseback, and was met by his antagonist with a retinue nearly double in number. It might be that the English were exasperated by their suspicions, or that their opponents really entertained projects of bloodshed; but the trial of skill and strength was soon converted into a most deadly battle; Edward's archers drove their opponents out of the field, mixed among the knights, and sometimes cutting the girths of their saddles, sometimes ripping up the bowels of their horses, brought the riders to the ground, and secured them as prisoners. The count de Chalons, a most athletic man, after tilting with his spear, threw his arms round the king's neck to pull him from his seat. Edward's charger sprung forward at the same moment, and the count fell to the ground. He was replaced by his attendants; but his fall had rendered him incapable of exertion, and he demanded quarter. The king's passion induced him for a time to belabour a suppliant enemy; at length, disdaining to receive his sword, he compelled him to surrender to

allowed to pursue the history of Guy. Soon after the sentence had been pronounced, he solicited the clemency of Gregory, and took the opportunity to meet him at a short distance from Florence. In his shirt, with a halter round his neck, and attended by several friends in the same garb, he threw himself at the feet of the pontiff, and begged that the sentence against him might be commuted for imprisonment. Gregory was moved, ordered him to be confined in a castle of the Ecclesiastical states, and wrote to Edward to apologise for his lenity.—Rym. ii. 17. Six years afterwards it was reported that Guy had been seen in Norway; and the king promised a valuable reward to two Norwegian barons, if they would seize and deliver him to the royal agents.—Id. ii. 143. But the report was unfounded. He was at last liberated, after a confinement of eleven years, by Martin IV., and took possession of Squillace, the patrimony of his wife, in the kingdom of Naples.—Wals. 51. He adhered to the house of Anjou; was taken prisoner by Doria, the Arragonian admiral, in 1287, and remained in captivity till his death. James, king of Sicily, demanded for his ransom 10,000 ounces of gold, a sum which he knew it was impossible for him to pay.—See a letter from his wife on the subject, Rym. ii. 30. It is placed by Rymer in 1274, instead of 1289, the true date.

[1] Wikes, 99. West. 402.

[2] Rym. ii. 29, 30. These assertions of Gregory seem to countenance the suspicion of some writers, that the attempt to assassinate Edward at Acre was in reality planned by the partisans of the house of Montfort.

one of the foot champions. The English gained the prize after a most dangerous and sanguinary contest.[1]

Edward now began to think seriously of returning to England; he even issued orders for the necessary arrangements preparatory to his coronation.[2] But his departure was again postponed for the discussion of a subject intimately connected with the mercantile interests of the country. Several of his predecessors had purchased the military services of the counts of Flanders with annuities determinable with their lives. The contract was optional, founded on the basis of mutual convenience. But Margaret, the reigning countess, had assumed it as a right, and had demanded, before the death of the late king, the payment of a long balance of arrears, amounting to almost forty thousand marks. The claim was indignantly rejected; and the countess, regardless of the consequences either to herself or her people, seized as an indemnification all the wool of English growth in her dominions, though three-fourths of it had ceased to be English property. Henry had recourse to retaliation; and by the seizure of Flemish manufactures, raised the sum of eight thousand pounds, which he divided among the sufferers in proportion to their respective losses. At the same time the king forbade the exportation of wool and wool-fells to Flanders, and invited with the offer of a premium Flemish clothiers to settle in his dominions. It was however discovered, that, through the agency of other foreigners, the prohibited articles were easily introduced into the country; and Edward, soon after the death of his father, had forbidden, under severe penalties, the exportation of wool altogether. This measure subdued the obstinacy of Margaret. The Flemish looms remained idle; the manufacturers were reduced to poverty; the countess herself lost the most productive branch of her revenue. She now solicited an accommodation; and Edward consented to meet her son Guy at Montreuil. A deputation of merchants from London attended to aid him with their advice; the conditions prescribed by the king were accepted; and Guy submitted to offer a public apology. With the Flemish lords he was introduced to Edward, who had assembled around him his court, and the principal inhabitants of the country. "Sir," said Baldwin of Avesnes, "the count of Flanders is come before you to declare his regret, that his mother, my lady the countess, should have seized the goods of your subjects. She conceived that she had a right to make that seizure; but through respect for you, and to obtain your friendship, she promises to make full reparation to the sufferers; and for the performance of this promise the count binds himself and his possessions to you, Sir, king of England." Edward replied that he accepted the offer which had been made with so much humility, and the more readily, because he knew that the count was at that time in the Holy Land, and had always disapproved of the injurious conduct of his mother. It was agreed that the eight thousand pounds levied on the goods of the Flemish merchants should be admitted as a part of their reparation; and the commercial intercourse between the two countries was replaced on its ancient footing.[3]

From Montreuil Edward hastened to England, and was crowned at West-

[1] Heming. 592. West. 402. Trivet, 241.

[2] Orders were given to provide 380 head of cattle, 430 sheep, 450 pigs, 18 wild boars, 278 flitches of bacon, and 19,660 capons and fowls.—Rym. ii. 21.

[3] Rym. ii. 24, 32—34.

minster, together with his consort.[1] Almost two years had elapsed from the death of Henry; and yet the tranquillity of the kingdom had not been disturbed. If the survivors of the Montfort faction were disposed to rekindle the civil war, they had been overawed by the vigilance of the council, and the expected arrival of the king. Edward had now reached his thirty-sixth year. In person he was tall, but well-proportioned; the length of his arm gave additional force to his stroke; and when he was once placed on his saddle, no struggle of his horse, no violence of the enemy, could dislodge him from his seat. In temper he was warm and irascible, impatient of injury, and reckless of danger; but his anger might be disarmed by submission, and his temerity seemed to be justified by success. During the late contest with the barons, he had proved the solidity of his judgment and the resolution of his mind; and his reputation had been established among the admirers of chivalry by his prowess in battles, in tournaments, and in his expedition to Palestine.[2] In ambition he did not yield to any of his predecessors; but his ambition aimed at a very different object. They had exhausted their strength in attempting conquests on the continent, which might be wrested from them at any time by a fortunate neighbour; he aspired to unite in himself the sovereignty of the whole island of Great Britain. Nor was he entirely disappointed. Wales was incorporated with England; and the independence of Scotland sought an asylum in the midst of morasses, forests, and mountains. 1. The subjugation of the former,—2. and the attempt to subjugate the latter, will comprise the most interesting occurrences of his reign.

I. After the death of Henry, Llewellyn, like the other vassals of the English throne, had been required to swear fealty to the new monarch. During Edward's absence the refusal of the Welshman had been overlooked; after his coronation the summons was thrice repeated, and as often eluded. It was not that Llewellyn denied the right of the king, or his own obligation; but a clause in the last treaty, which prohibited either party from harbouring the enemies of the other, furnished him with a plausible subject of complaint, and a claim of redress. When this pretext had been removed, he endeavoured to shelter himself under the probability of danger to his life from the malice of his enemies in England. Edward advanced to the borders of Wales and offered him a safe conduct; but he rose in his demands, and required conditions, the extravagance of which proved that they were asked only that they might be rejected. The truth was, that the prince aspired to the honour of asserting the independence of his

[1] Alexander, king of Scots, in obedience to the king's summons, attended at the coronation. It had been agreed by Richard I., that as often as the Scottish kings attended the English court in consequence of a summons to that effect, they should be received and accompanied in the same manner as their predecessors had been, by the bishop, sheriff, and barons of each county during their journey, and should be paid 5*l.* per day for their expenses on the road, and thirty shillings per day as long as they remained in the king's court, with 24 loaves, four sexterces of the best, and eight of inferior wine, four wax tapers, forty better, and eighty inferior candles, two pounds of pepper, and four pounds of cinnamon.—Rym. i. 87. But it appears that now they received the 5*l.* for each day during the whole time, and probably purchased their own provisions. Alexander on the present occasion was paid 175*l.*—Rym. ii. 42. In what form he did homage is disputed; but Edward maintained that it was for the kingdom of Scotland, and in 1278 prevailed on him to do homage a second time, and that absolutely and without reservation.—See Appendix, E.

[2] Heming. 1, 2. Trivet, 238.

country, and had resolved not to acknowledge a superior, unless he were compelled by the fortune of arms. At first the English prelates and barons interceded in his favour; his excuses and delays exhausted their patience; they pronounced him a rebel, and granted a fifteenth towards the expenses of the war.[1] The winter was employed by the king in tempting the fidelity of the Welsh. David, whom, though a brother, Llewellyn had deprived of his patrimony, invited his countrymen to the standard of Edward; and Rees ap Meredith, the representative of the ancient princes of South Wales, gladly fought against the chief of a rival family. Llewellyn, on the other hand, concluded a treaty of alliance with the king of France, and obtained from all the chieftains of North Wales a promise never to submit to the rule of an English master.[2] Edward's military tenants assembled in the counties of Shropshire and Cheshire; at midsummer he crossed the Dee, advanced along the coast, took and fortified the two castles of Flint and Rhuddlan, obtained possession of Anglesea, and with his fleet cut off the communication between Snowdun and the sea. Llewellyn, confined to barren mountains and forests, soon felt the privations of famine; and in a few weeks was compelled to throw himself without reserve on the mercy of his adversary. The conditions granted him were, that he should pay a fine of 50,000*l.*; that he should cede to Edward the full possession of the four cantreds between Chester and the river Conway, should hold Anglesea in fee of the English crown by a yearly rent of one thousand marks, should do homage to the king at Rhuddlan and in London, and should deliver ten hostages for his subsequent fidelity. But these terms were prescribed only to show the superiority of the conqueror, and Edward soon yielded to the suggestions of his own generosity. He first remitted the fine of fifty thousand pounds, next the yearly rent for the isle of Anglesea, then gratuitously returned the ten hostages, and lastly, consented to the marriage of Llewellyn with Eleanor de Montfort, daughter to the late earl of Leicester, who the last year, on her passage to Wales, had been taken near Bristol, and conducted a prisoner to the king.[3]

In the opinion of Edward, the subjugation of Wales was now accomplished. He flattered himself that what he had begun by force, he had completed by kindness. The brothers Llewellyn and David were reconciled. To Llewellyn he had behaved rather with the affection of a friend than the severity of an enemy, and his letters to that prince breathed a spirit of moderation which did honour to his heart. To David he had been a bounteous protector. He had granted him the honour of knighthood, extensive estates in both countries, and the hand of Eleanor, daughter to the earl of Ferrers. But he had formed a false estimate of the Welsh character at that period. Hatred of the English had been bequeathed to the natives as a sacred legacy by their fathers through many generations; nor was there an individual, from the prince to the peasant, who was not ready at any time to draw the sword for the independence of his country. The inhabitants of the districts which had recently been ceded to England were the first to manifest their dis-

[1] Rym. ii. 3, 4, 41, 42, 58, 68, 69.

[2] Thres. des Chart. 114. The Welsh prince in this instrument is prodigal of his flattery to the French king. The treaty shall be preserved in armariis ecclesiasticis, to prove that he and his heirs are the servants of Philip, friends of his friends, and enemies of his enemies. Philip himself is addressed as princeps regum terræ.

[3] Rym. ii. 88—92, 97, 116, 119, 125. Hem. i. 5. Triv. 147, 148, 251.

content. They beheld with grief the gradual extinction of their national usages, the distribution of the cantreds into hundreds and shires, and the introduction of English laws and English judicatures. David, with all his obligations to Edward, appeared dissatisfied. His timber had been felled by the king's orders, to open a road through one of his forests; and some of his vassals had been executed by the justiciary for murder, though they had offered the ransom for their lives allowed by the Welsh laws. Even Llewellyn had, or pretended to have, causes of complaint against the encroachment of the royal officers. Though Edward had promised him justice, his mind was exasperated, and he lent a willing ear to the inflammatory suggestions of David. Men of irritable passions seldom weigh the consequences against the pleasure of revenge; but on the present occasion their hopes were invigorated by a foolish confidence in an ancient prediction attributed to Merlin, that when the English money should become circular, the prince of Wales should be crowned in London. Edward had lately issued a new coinage of round halfpennies and farthings, and had forbidden the penny to be any longer divided into halves and quarters. Hence it was wisely concluded that the prediction of the prophet was on the point of being accomplished.[1]

On Palm-Sunday, in the darkness of the night, and amid the howling of a storm, the faithless David surprised the strong castle of Hawarden. Roger Clifford, the justiciary, was found in his bed, was wounded, and carried a captive to the summit of Snowdun; his knights, esquires, and valets were all put to the sword. This was the signal of a general insurrection. Llewellyn immediately joined his brother, and besieged the castles of Flint and Rhuddlan; the different chieftains assembled their families and dependants; and the Welsh poured from their mountains into the marches, laid the country waste with fire and sword, and inflicted on the inhabitants, without distinction of age or sex, every calamity which the ferocity of savages could suggest.[2] Edward at first refused to believe the intelligence; repeated messages convinced his incredulity, and a strong force was despatched to raise the siege of the two castles. The urgency of the case required the most energetic measures. A forced loan supplied the deficiency of the treasury;[3] the courts of King's Bench and the Exchequer, were removed to Shrewsbury; and Edward unfurled the royal standard at Worcester. He reduced the castle of Hope, belonging to David, and issued new orders for his military tenants, and one thousand pioneers, to meet him at Rhuddlan.[4] The particulars of the campaign are but imperfectly recorded. The Welsh had added artificial to the natural defences of their mountains; the king either could not or would not attempt to force their position; and the loss of fourteen bannerets, acknowledged by the English, proves that this dilatory system of warfare was as destructive as the most bloody battle. Edward reduced Anglesea; but the advantage was balanced by a severe disaster. A bridge of boats had been hastily thrown across the Menai, and a numerous force passed from the

[1] Duns. 471. Wikes, 108. Waverley, 235. Triv. 273.

[2] Rym. 189, 196, 207. Duns. 471. Waver. 410. Triv. 205.

[3] The loan was raised on the corporate bodies civil and religious, and on individuals known to possess money. It was never repaid; but the lenders were exempted from the next subsidy granted by parliament. —Duns. 476, 477.

[4] Each pioneer was to be furnished with a strong axe or hatchet, and to receive threepence per day.—Rym. ii. 207.

island to discover the position of the enemy. As they incautiously ascended the hill, a party of Welshmen suddenly started from a place of concealment. Their appearance and shouts intimidated the English, who fled in confusion to the beach; but the tide had divided the bridge, and the fugitives poured in such numbers into the boats that they sank, and almost the whole party was lost.[1]

The archbishop of Canterbury had visited Llewellyn; and, if the Welsh prince had listened to the advice of the prelate, he might have averted his own fate and that of his country. But success had confirmed his obstinacy; he refused the terms which were offered, and trusted to the severity of the winter for the dissolution of the invading army. Edward had ordered a strong force to assemble in the vicinity of Carmarthen; and Llewellyn, leaving the defence of Snowdun to his brother, hastened to Bluit, in Radnorshire. The English under Edmund Mortimer and John Giffard appeared on the left bank of the Wye. The bridge was in the possession of the natives; and a numerous force posted on a neighbouring mountain awaited the orders of Llewellyn, who, having descended the hill to observe the motions of the enemy, had for repose or shelter entered a barn. He was startled by a sudden shout, but was told by his esquire that it proceeded from the guard at the bridge, which had succeeded in repulsing the enemy. In a few minutes the banners of Mortimer (he had passed the river by a ford) were seen ascending the hill, and Adam Frankton, a knight, accidentally approached the barn. The prince, though without armour and on foot, did not shun the unequal combat. He received the spear of his antagonist in the side; and Frankton, heedless of the quality of the slain, hastened to rejoin the army. The Welsh expected with impatience the return of their prince; the suspicion of his death threw them into despair; and two thousand are said to have fallen by the swords of the assailants. After the battle Frankton returned to examine the individual whom he had slain; he was Llewellyn; and on his person were found his private signet, and a mysterious list of feigned names, supposed to designate certain traitors in the English army. His head was forwarded to Edward at Rhuddlan, who commanded it to be sent to London and fixed on the Tower. To verify or ridicule the prediction of Merlin, it was encircled with a wreath of silver or ivy.[2]

The independence of Wales expired with Llewellyn. As soon as his death was known, the other chieftains hastened to make their submission, and were received with kindness by the policy of Edward. David alone held back. He hesitated to throw himself into the hands of the man whom he had so cruelly offended, and resolved to trust for safety to his own fortune and ingenuity. His castle of Bere, situated in the centre of a morass, was deemed almost impregnable; but he preferred the asylum offered by the mountains and forests, and during six months eluded the vigilance and pursuit of his enemies. But no retreat could secure him from the perfidy of his own countrymen. They hunted him from rock to rock, made him prisoner with his wife and children, and conducted him in chains to the castle of Rhuddlan. It was in vain that he solicited permission to cast himself at the feet of the conqueror. Edward, who had resolved

[1] Walsing. 51. Heming. i. 9. Dunst. 473. The bridge was so broad that forty armed men could march over it abreast of each other.

[2] Rym. ii. 223—225. Heming. 11, 12. Wals. 50. West. 411. Knyghton, 1465.

not to forgive, dared not expose his resolution to the proof of an interview; but summoned a parliament to meet him at Shrewsbury on the morrow of the feast of St. Michael. It was not, however, a parliament constituted after the usual form. No writ was directed to any one of the lords spiritual; some even of the lords temporal were passed by; and the only persons summoned were those who had shared with the king in the expense and danger and glory of the last campaign; amounting to eleven English earls, the two Scottish earls of Angus and Carrick, and ninety-nine barons and knights. Neither did the language of these writs conform to the dry official style hitherto adopted. They began with a long and eloquent enumeration of the causes of complaint against the Welsh; their intense hatred of the English nation, their falsehood and perfidy, their barbarous and destructive manner of warfare; charges which they probably might have retorted with equal justice against their neighbours; but Llewellyn, their last prince, had fallen in battle, and his brother David had been delivered up by his own countrymen; David, once the orphan and exile, who had found in Edward a father and protector, who had received from him lands and vassals, and who had repaid the bounty of his benefactor with treason and murder. Wherefore the king claimed the presence and advice of those who had been his companions in arms, to determine "what ought to be done with the aforesaid David."[1] In similar language, but with the necessary omission of a few words, two representatives from every county, and two from each of twenty-one cities and boroughs, were summoned to attend, as well as the judges and certain men learned in the law, members or advisers of the king's council. The parliament was opened on the appointed day, not however at the appointed place, but at Acton Burnell,[2] a house belonging to the chancellor, not far from Shrewsbury. The fate of the Welsh prince did not long remain in suspense. By the order of the parliament he was arraigned before certain judges, who condemned him "to be drawn to the gallows as a traitor to the king, who had made him a knight; to be hanged as the murderer of the gentlemen taken in the castle of Hawarden; to have his bowels burnt, because he had profaned by assassination the solemnity of Christ's Passion; and to have his quarters dispersed through the country, because he had in different places compassed the death of his lord the king." This sentence was literally carried into execution.[3] The fate of David, considered only as the champion of his country's independence, may excite our pity; but that pity will be checked by the recollection of his perfidy, ingratitude, and cruelty.[4]

Edward spent more than a year in

[1] Quid de David fieri debeat memorato.—Rym. ii. 247. Parl. Writs, i. 15, 16.

[2] In parliamento nostro quod tenuimus apud Acton Burnell in crastino St. Michaelis.—Rym. ii. 258.

[3] Dunst. 475. Heming. i. 13. Wikes, 411. The tragedy was terminated by a ridiculous dispute between the citizens of Winchester and York for the possession of the right shoulder of the prince. It was in reality a point of precedency, and decided by the council in favour of Winchester.—Waverley, 238.

[4] By our ancient writers this parliament is always called the parliament at Shrewsbury; but the Statute Merchant for the recovery of debts was certainly passed at Acton Burnell—Donne a Actone Burnel le duzime jor de Octobre en l'an de nostre regne unzime.—Stat. of Realm, i. 54. Hence it has been supposed that the lords sat at Shrewsbury, and the commons for matters of trade at Acton Burnell. But the quotation from the king's writ in the last note but one shows plainly that the parliament was held at Acton Burnell from the day of its opening, and regards moreover a feudal transgression, the judgment of which belonged to the lords. My notion is, that the members, on their arrival at Shrewsbury,

Wales or near the borders, that he might secure the permanency of his conquest. To coerce the inhabitants of Snowdun, the most intractable of the natives, he fortified the castles of Conway and Carnarvon, and distributed the lands around them among the most powerful of the English barons. But his great object was to conciliate and civilize. The stern features of an enemy subsided into the milder aspect of a legislator, who avoided whatever might unnecessarily shock the prejudices of his new subjects, offered his peace and protection to all without distinction, and allowed them to retain their lands subject to the same services by which they had been held of their native princes. At the same time, to allure them from the roving manner of life to which they had been accustomed, he established corporate bodies of merchants in the principal towns; and to restrain their habits of violence and bloodshed, introduced the jurisprudence of the English courts, divided the country into shires and hundreds, and issued new forms of writs adapted to the Welsh manners and tenures.[1] It might be the effect of policy; it was more probably owing to the king's stay in the country, that in the castle of Carnarvon, Eleanor was delivered of her son Edward. The natives claimed the child as their countryman; and when he was afterwards declared prince of Wales, joyfully hailed the event, as if it had proclaimed the restoration of their independence.[2]

From the final pacification of Wales to the commencement of the troubles in Scotland, elapsed an interval of four years, one of which was spent by Edward in England in legislating for his own subjects, the rest on the continent in the difficult but honourable office of arbitrator between the kings of France, Arragon, and Sicily. Charles of Anjou had been for some years in the peaceable possession of Sicily; it was stolen from him by the cunning of Peter, the king of Arragon. That prince had pretended to undertake a crusade against the infidels, and sailed to the neighbourhood of Tunis; at the instigation of those who were in the secret, the Sicilians suddenly rose and murdered every Frenchman in the five cities of the island; and the king of Arragon ascended without opposition the throne of Sicily. It was a bold and dangerous measure. Whatever might be the griefs of the natives, the blood of eight thousand fellow-creatures fixed an indelible stain on their cause and that of their new monarch; the pope, who claimed both Sicily and Arragon as fiefs of his see, excommunicated the assassins and their protector. Charles, who still retained the south of Italy, invited to his standard adventurers from every country, and Philip of France, accepting from the pontiff the donation of Arragon for his younger son, entered

found there a message from the king requiring them to come forward to him at Acton Burnell. Hence, as Shrewsbury was the place mentioned in the summons, the parliament was still designated from that place. The clerk, who entered the Statute Merchant in the book of the Exchequer, calls it a statute made at Shrewsbury at the parliament, but adds that these statutes are called of Acton Burnell. Ke sunt apele Actone-Burnel.—Stat. of Realm, i. 53.

[1] See the statutum Walliæ, published in the Statutes of the Realm (p. 56). From it we learn that the ancient laws of Wales bore very hard upon females. No dower was allowed to widows, nor could daughters succeed to the lands of their fathers. On the first of these heads the king introduced the custom of England; on the second he allowed the lands to be divided as formerly among the sons, but excepted bastards from the division, and determined that, in failure of male issue, the inheritance should descend to the females.—Ibid. p. 57. He also allowed proof by compurgation in personal actions, but abolished it with respect to theft and other grievous crimes.—Ibid. 68.

[2] Wals. 52. Trivet, 261. I know nothing of the massacre of the bards—a fiction to which we owe Gray's celebrated ode.

Catalonia with an army of seventy thousand men. The fortune or abilities of Peter were a match for all his enemies. The papal sentence he set at naught; he committed the defence of Sicily to Doria, who destroyed the French fleet, and made prisoner the prince of Salerno, the son of Charles of Anjou; and he compelled Philip, after wasting his forces among the Pyrenees, to retire precipitately into France. While the greater part of Europe was thus convulsed by the ambition of these princes, the same year consigned them to the tranquillity of the grave. Philip III. left his crown to his son Philip IV., a youth in his seventeenth year; Peter was succeeded in Arragon by his son Alphonso, in Sicily by his son James; and the prince of Salerno, the heir to Charles and the pretensions of the house of Anjou, was still a captive in the possession of the latter. The French regency invited Edward to assume the office of mediator; nor was it difficult to reconcile Philip and Alphonso, who had not inherited the irritation of their fathers. First an armistice, afterwards a peace was concluded by the good offices of the king of England. To obtain the freedom of the prince of Salerno was a more arduous task, and cost Edward several journeys, and repeated negotiations. It was at last effected, but on conditions which secured to James the undisputed possession of his kingdom. Charles, however, when he had obtained his liberty, eluded every obligation, was crowned king of the two Sicilies, and sought to remove his rival by force of arms. The issue of the contest might have been doubtful; but, by the death of Alphonso, James succeeded to the throne of Arragon, and with the united power of the two kingdoms, was able to defeat all the efforts of the house of Anjou.[1]

While Edward was thus employed in the concerns of foreign states, the people of England complained that he neglected the interests of his own kingdom. The refusal of a supply by the parliament admonished him to return; and he soon found in the unfortunate situation of Scotland an ample field for the exercise of his policy and ambition. His sister Margaret had been dead fifteen years. She had borne to her husband the king of Scotland two sons, Alexander and David, and a daughter, Margaret, married to Eric, king of Norway; and Alexander consoled his widowhood with the expectation of transmitting the crown to his lineal descendants. But in 1281 David died; three years later Margaret, and within twelve months after Margaret, the young Alexander sunk into the grave. The afflicted father, at the request of his nobility, consented to take a second wife; but soon after his marriage with Jolette, the daughter of the count of Dreux, was accidentally killed by a fall from his horse. The crown of course devolved to his grandchild, an infant, a female, and a foreigner, Margaret, the daughter of the king of Norway, about three years of age. Before the death of Alexander she had been declared heir apparent; her right was now acknowledged by the states of the kingdom, and a council of regency was appointed to execute in her name the duties of royalty. Edward saw, and resolved not to forfeit, the opportunity. He had it now in his power to unite the English and Scottish crowns on the head of his own son by marrying him to the infant queen. Whether he originally suggested the plan which was followed, we know not. Eric first appointed commissioners to treat with the Scots respecting the interests of his daughter, but to treat with

[1] See the tedious negotiations on these subjects in Rymer, tom. ii. from p. 317 to 470.

them only in the presence of Edward.[1] Edward by his messengers requested the Scottish guardians to meet the views of the Norwegian; and they, on their part, consented to the conference; but at the same time, aware of the king's pretensions to the superiority over Scotland, limited the powers of their commissioners by a clause, saving the honour and liberty of the kingdom, and disabling "them from making any concession prejudicial to the crown or the people thereof." Their jealousy, though justifiable, was unnecessary. Edward was not the man to defeat his own purpose by his indiscretion, and carefully abstained from putting forth any claim which might excite diffidence or alarm. In the conferences at Salisbury, after many long and stormy debates, it was agreed on the part of Eric that within the next twelve months he should send his daughter to England, free from any contract of marriage; on the part of Edward, that he should deliver her equally free to her subjects on their requisition, provided the state of Scotland were such that, in his opinion, she might reside there in safety and with honour; and on the part of the Scots, that they should give sufficient security not to marry her to any one "but by the ordainment, will, and counsel of the king of England, and with the assent of the king of Norway."[2] Edward had already sent messengers to Rome; in a short time they returned with a papal dispensation for the marriage of Prince Edward with his cousin Margaret; and the English and Norwegian commissioners, when they met the Scottish parliament at Brigham on the borders, prevailed on that body to make the first proposal of such marriage in letters to Edward and Eric. By both it was graciously accepted; and Edward willingly granted the requests of the Scots, of which the principal were, that the laws, rights, and customs of the Scottish people should be preserved; that Scotland should remain "a separate kingdom, divided, free, and without subjection, by its ancient limits;" and that if either of the parties died without issue by the marriage, the kingdom should be restored fully, freely, absolutely, and without subjection, to the right heir. That, however, he might not be supposed to have surrendered by these provisions his pretensions to feudal superiority, a protestation was added that nothing in this treaty should be so explained as to add to, or take from, any right previously belonging to either monarch or kingdom.[3] Every difficulty was now cleared away; but the prospect so flattering to the hopes, so essential to the prosperity of both kingdoms, was speedily closed. The Maid of Norway (so she was called) was of too delicate a constitution to bear the fatigues of the voyage, and was compelled to land in one of the Orkneys, where she sickened and recovered, relapsed, and died. Her death was to her subjects the source of numerous calamities; and the revolutions which

[1] Why in presence of Edward? Because, we are told, he was granduncle of the young queen. It might be so; but I suspect that Eric considered Edward as possessing an authority in Scotland which he could not derive from his relationship to Margaret. Eric claimed about 3,000 marks from the Scots; and requested the English king, not merely *to use his interest with*, as it has been ingeniously translated, but to *issue his commands to* the guardians of Scotland to pay him what was due. Quatenus custodibus . . . *dare* velitis in *mandatis*.—New Rym. i. 732. Edward afterwards gave such command.—Rot. Scot. i. 14.

[2] Fors par sun ordeynement, volonte, et sun consayl.—Ibid. 720.

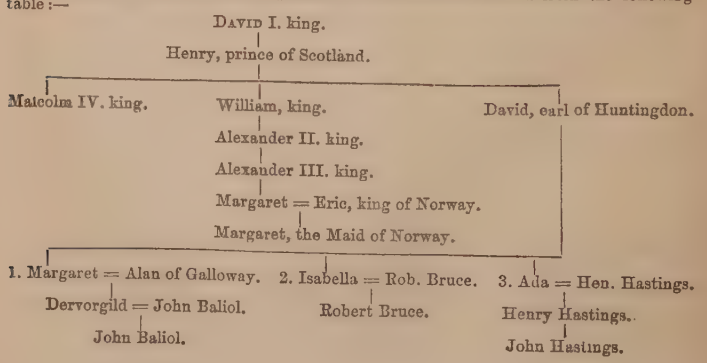
[3] New Rym. i. 721, 730, 735. Protestamur etiam quod omnia præmissa taliter intelligantur, quod juri unius regni vel alterius ratione præsentis facti nihil decrescat aliqualiter, vel accrescat (736). Compare this passage with "Vindication of Independence of Scotland," p. 12.

followed served to convert the ancient rivalship between England and Scotland into the bitterest and most lasting enmity.[1]

By the demise of Margaret the posterity of the three last kings of Scotland, William, Alexander II., and Alexander III., had become extinct; and no fewer than thirteen claimants appeared, who, with one exception, founded their pretensions to the crown on their legitimate or spurious descent from the royal family. Of these, one derived his right from an usurper, six from illegitimate children; two from a sister of William the Lion; and Eric king of Norway demanded to be considered as heir to his daughter, the deceased queen. In disposing of these ten claims there could be little difficulty; the true heir was to be sought among the descendants of David, earl of Huntingdon, the brother of King William. From Margaret, the eldest of his daughters, was sprung John Baliol, lord of Galloway; from Isabella, the second, Robert Bruce, lord of Annandale; and from Ada, the third, John Hastings, lord of Abergavenny. The latter, while the posterity of the other sisters was living, could only pretend to a share in the succession, if it were divisible; nor could Bruce have opposed the claim of Baliol, the descendant of the elder sister, had he not been the grandson, while Baliol was only the great-grandson of David.[2] The point therefore to be decided was, whether the crown belonged of right to the representative of the elder daughter, though more remote by one degree, or to the representative of the second daughter, because he was nearer by one degree. At the present day it would not bear a dispute; but in that age the law of descents was not uniformly observed, and in many cases power had as much influence as justice in determining the succession. The conflicting claims of Bruce and Baliol split the whole nation into two factions; the friends of each competitor combined to support him; and the legitimate authority of the guardians was questioned, and set at naught. It was known that the guardians considered Baliol—were perhaps about to proclaim him—the rightful heir, when appeals in the names of Bruce and of certain persons styling themselves the seven earls and the baronage of the kingdom, were made from them to

[1] Rym. ii. 445, 471—474, 482—489, 1090, 1091.

[2] The claims of these three competitors will be best understood from the following table:—



the presence of the king of England and his royal crown, and the persons, families, relatives, and properties of the appellants were formally placed under the peace and protection of him to whom they appealed.[1] This proceeding was equivalent to an admission of the superiority of the English over the Scottish crown; it was, however, submitted to, but apparently with reluctance, by Baliol; and the decision was referred by common consent to the judgment and impartiality of Edward.

If the reader has noticed the transactions between the kings of England and Scotland, recorded in the preceding pages, he will have seen that the former during several centuries had claimed, and occasionally had exercised, the right of superiority over the Scottish crown, and that the latter, according to the circumstances in which they were placed, sometimes admitted, sometimes eluded, and sometimes rejected the pretensions of their more powerful neighbours. Hence, as was to be expected, Edward accepted the office, not as arbitrator selected by the parties, but as lord paramount, whose duty and right it was to administer justice in disputes between his vassals. He had already announced his pretensions to the prelates, barons, and commonalty of Scotland, and summoned them to meet him at Norham, on the borders of the two kingdoms. Edward took up his residence in the castle, attended by his barons of the northern counties; the Scots assembled at Upsetlington, now Ladykirk, on the opposite bank of the Tweed. On the appointed day, in the church of Norham, Brabanzon, the English justiciary, addressed the states of Scotland on the part of the king informing them that Edward was come to decide the great cause of the succession to their crown; that he wished to avail himself of their knowledge and advice; and that as a preliminary he required them to acknowledge him for their feudal and direct superior. The next day was assigned for their answer; but they requested a further delay, that they might be able to consult those prelates and barons who had not yet arrived. The request was granted; an instrument containing the proofs of the alleged superiority of the English kings, was delivered into their hands, and they were required to produce their objections, if they had any, on the first day of June, when Edward would be ready to do them justice.[2] The first of June passed; nor was any counter-plea put in on the part of the Scots; on the second the bishop of Bath, the chancellor, crossed the Tweed to Upsetlington, recapitulated the previous proceedings, and added, that since the king's claim had not been opposed, Edward would proceed to exercise it by hearing and determining the cause. He therefore called on Robert Bruce to say whether he were ready to abide by the decision of the king of England as sovereign lord of Scotland. Bruce (and it is worthy of remark that Bruce was the first) replied in the affirmative. The same question

[1] These appeals were discovered, and have been published by Sir Francis Palgrave.—See his very valuable collection of "Documents and Records illustrating the history of Scotland," i. 14. From their contents it seems probable that the guardians had called a meeting to determine the succession, and that Bruce and his party adopted this expedient to prevent an unfavourable decision. The seven earls were perhaps the representatives of the ancient earls, but we have no proof that the peculiar rights, which they arrogate to themselves, were admitted by the baronage or by the earls of more recent creation.

[2] The time allotted was three weeks, reckoning from the tenth of May, and consequently ending on the last day of May. Some mistakes have arisen from the supposition that it ended on the 1st of June.—Rym. ii. 544.

was then put to the other competitors present, and from all the same answer was received. Baliol, however, did not appear. Perhaps he was unwilling to acquiesce in the degradation of the Scottish crown; perhaps he courted popularity by an affected delay. When on the following morning he was asked the same question, he hesitated, retired to consult his friends, and returning, at last gave a full, but apparently a reluctant, assent. The assembly proceeded immediately to the church of Norham, where they were joined by Edward. The chancellor, in a set speech, asserted the king's claim, and declared his intention to do strict justice to each of the competitors. Edward repeated the same thing in nearly the same words; and the different claimants publicly signed an instrument, in which they professed themselves willing to receive judgment from the king, in virtue of his right as superior lord. It was unanimously resolved that each suitor should in the first instance exhibit his proofs before a council consisting of forty Scots, named by Baliol and Comyn, of forty others selected by Bruce, and of twenty-four Englishmen, to be appointed by Edward. All the parties agreed that this council should hold its sittings at Berwick; but as they differed with respect to the time, the king interposed, and fixed the first session for the second of August. In the mean time, that he might be enabled to put his judgment in execution, the six regents and the wardens of the royal castles resigned their respective charges into his hands, and all the military tenants of the Scottish crown swore fealty to him as superior lord of Scotland.[1]

In the beginning of the next year Edward sent his envoys, John of St. John, and Roger L'Estrange, to Rome, to obtain from Nicholas IV. a confirmation of the recognition which had been made by the competitors, that the Scotch crown was dependent on that of England. The pontiff, having consulted the cardinals, returned a civil but positive refusal. He was anxious, he said, to comply with the royal wishes, as far as his conscience would permit him; but the superiority of Edward was a delicate and dangerous question, which might lead to many serious evils, and which involved the interests of numbers both among the clergy and laity. Neither could he approve of any measure which might injure the rights of individuals, and in particular "that right which the Roman church itself possessed in the kingdom of Scotland."[2] This check did not arrest the ambition of Edward, who at the appointed time hastened to Berwick to receive the report of the council. But its members, divided by party views or personal interests, and confounded by the number of the competitors and the multiplicity of the pleadings, had come to no determination. To abridge the proceedings, he ordered them to confine their attention in the first place to the cases of Baliol and Bruce; and when they had disposed of the claims of these, to revert to those of the other suitors. After an interval of four months, the delegates appeared before the king in a parliament of both nations at the same place, and in answer to their petition for instructions, were told that the succession to the crown was regulated by the same laws as the succession to earldoms, baronies, and all other impartible tenures. Baliol and Bruce now appeared before them. The latter maintained that with regard to

[1] Rym. ii. 542—580. Rot. Scotiæ, i. 1. Lanercost, 140.

[2] Nolentes quoque aliquorum juri, et specialiter juri quod in regno ipso Romana habet ecclesia, derogari.—Apud Raynald, ii. 456.

the inheritance of subjects, the first born might be preferred to others; but that in the succession to a kingdom, an impartible inheritance, the prerogative of primogeniture must by the lay of nature yield to proximity of blood; that he was a degree nearer than Baliol to David, their common ancestor; that Dervorgild, Baliol's mother, who had resigned her right to her son, was indeed in the same degree with himself; but that, when the proximity of blood was equal, the male was always preferred to the female. Baliol urged on the contrary, that by the law and custom both of England and Scotland, whenever the inheritance was indivisible, it descended to all the heirs of the elder branch, before it could devolve on any of the younger branch; and therefore, since he was sprung from Margaret, the elder sister, and Bruce from Isabella, the younger, his claim was preferable to that of his competitor.[1]

The delegates now made their report, and Edward laid it before the united parliament of the two nations. To simplify the subject, the abstract question was asked, whether the crown descended in the order of birth, or was hereditable by proximity of blood. The answer was unanimously in favour of primogeniture—a decision fatal to the pretensions of Bruce. Two of the competitors, Comyn and Mandeville, had never prosecuted their claims; the arguments of the remaining eight occupied the eleven following days; and on the seventeenth of November, after an inquiry which had lasted eighteen months, judgment was given in the name of the king, by the advice and with the consent of the prelates, barons, and commonalties of both realms. By the retreat or non-appearance of the others, the suitors had been reduced to three, Baliol, Bruce, and Hastings, of whom the two latter had united to demand a partition of the kingdom, on the ground that the inheritance of David ought to be divided among the descendants of his three daughters. But it was decided that the kingdom with its escheats was indivisible; and that, therefore, John of Baliol, the heir of David by his eldest daughter, should recover and have seizin of it and of all its appurtenances.[2] The regency was dissolved, the royal castles were delivered to Baliol, and that prince swore fealty to Edward in these words: "Hear you this, my lord Edward, king of England, and sovereign lord of the realm of Scotland, that I, John of Baliol, king of Scotland, do fealty to you for the realm of Scotland, which I hold, and claim to hold of you; that I will be faithful and loyal to you, and faith and loyalty will bear to you of life and limb, and worldly honour, against all men that may live and die; and loyally I will acknowledge and loyally perform the services that are due to you for the aforesaid kingdom of Scotland—So help me God and these holy

[1] Rym. 581—586. To facilitate this inquiry, Edward ordered all records and muniments, "touching the right of the suitors in the kingdom of Scotland" to be brought to Berwick (which, it should be remembered, was in that kingdom), for the use of the delegates. It has been pretended by several Scottish writers, that, instead of returning them, he transferred all the Scottish records to Westminster. But of such transfer no trace is to be discovered; and certain it is, from different instruments, that many of them were afterwards in the possession of Baliol, and in the castle of Edinburgh. See a paper by Mr. Black, in App. to "Papers and Documents relative to the Evidence before the Committee, &c." p. 427—430. It is indeed true that no records of an earlier date than the reign of Robert I. exist in Scotland; but neither do they exist in England. The probability is, that they perished in 1661, when, by command of Charles II., the records brought from Scotland under the Commonwealth were sent back by sea, and eighty-five hogsheads of papers were lost in a ship which foundered. —See Mr. Cooper on "Public Rec." ii. 185.

[2] Rym. 586, 590.

gospels." Five weeks later he was summoned to do homage at Newcastle, where the ceremony was performed in the usual manner, and with these words: "My lord, Sir Edward, king of England, sovereign lord of the realm of Scotland, I, John of Baliol, king of Scotland, become your liege man for the kingdom of Scotland and all its appurtenances and appendages, which kingdom I hold, and ought of right, and claim to hold by inheritance for myself and my heirs kings of Scotland, of you and your heirs, kings of England. And faith and loyalty I will bear to you and your heirs, kings of England, of life and limb, and earthly honour, against all men that may live and die."[1] A few days later Edward issued letters patent, in which he declared that, with respect to the heir to the Scottish crown, whatever might be his age, the king of England had no claim of wardship, or marriage, or seizin of the kingdom; nor any other rights than homage and suzerainty, and the rights appendant to such homage and suzerainty.[2] Thus ended this memorable controversy, in which the king, whatever may be thought of his own pretensions, evinced the most laudable anxiety to do justice to the different competitors, and ultimately adjudged the crown to that claimant who was undoubtedly the true heir.

Baliol, to obtain a crown, had consented to wear it as a vassal. He soon felt the consequences of vassalage, and was taught by a succession of petty indignities to regret the more humble station from which he had risen. Every suitor in his courts, who was dissatisfied with the decision of the king, could appeal to the equity of his superior lord. Edward declared it to be his duty to administer justice with impartiality to the lowest as well as to the highest of his vassals; and the king of Scotland within the first year of his reign was served with no fewer than four citations to answer in the court of the king of England, and prove the legality of his judgments.[3] It is difficult to reconcile such proceedings with the usual policy of Edward. He could not be ignorant that the Scots bore his superiority with impatience; nor was it possible to doubt that by its frequent exercise he must add to their dissatisfaction, and provoke their resistance. We may, however, safely acquit him of the design imputed to him, of humbling Baliol by a system of studied degradation. Such appeals were now grown common, wherever the feudal jurisprudence prevailed. Edward himself, as duke of Aquitaine, had frequently been summoned to repel the charges of his vassals, or to accept of wager of battle in the court of the

[1] Rym. ii. 590—595. Rot. Scot. i. 11, 16.

[2] Rym. 601. Rot. Scot. 15. These letters completely refute all the reasoning in favour of the independence of the Scottish crown, founded on the erroneous supposition that wardship, marriage, and custody of lands were the unalienable rights of feudal superiority; a supposition maintained by Dr. Allen, Vindication of Indep. 8, 10, 24.

[3] Rym. ii. 605, 606, 608, 615. Rot. Scot. 17, 18, 19. With the advice of his parliament Edward resolved, that in all cases of appeal, if the king of Scots did not answer on the second summons, he should lose the cognizance of the principal cause, and be amerced at the royal pleasure; that if he were convicted of unjustly dispossessing others of their lands, he should be amerced, and the lands restored to their rightful owners, who during their own lives, and the lives of Edward and Baliol, should hold them of the English crown; and that for false judgment or imprisonment he should be amerced, and liable to pay damages.—Rot. Parl. i. 110. The very introduction of these regulations proves that hitherto appeals from the judgment of the Scottish king were unknown in the English courts. No such appeals had taken place under his predecessors, not even between the years 1174 and 1189, when both the Scottish king and nation openly acknowledged the feudal superiority of the English crown. They were an innovation: but Edward seems to have attached to his superiority all those rights which, as duke of Guienne, he had been compelled to acknowledge in the crown of France.

king of France; nor could the royal justiciaries have safely rejected the prayer of the appellants when it was made in due form of law. In every other respect the conduct of Edward to Baliol was honourable and kind. He faithfully restored to him every fortress in Scotland; he declared by a public instrument, that in the case of a minority the king of England had no right to the wardship or marriage of the heir to the Scottish crown; and on every occasion granted with cheerfulness the just claims advanced, or the favours requested by his royal vassal.

The only appeal which could give uneasiness to the new king was brought by Macduff, the son of Malcolm, earl of Fife. During the Scottish interregnum, the regents, by the command of the king of England, had heard his claim, and adjudged to him the possession of the lands of Reres and Crey. Baliol, however, by the advice of his council, and on the ground that these estates ought to remain in the hands of the king during the minority of another claimant, cast Macduff into prison, and reversed the judgment of the regents; a proceeding which was certainly injudicious, as it bore the appearance of an insult to Edward, under whose authority the former decision had been pronounced.[1] Macduff appealed to the equity of their common lord; and Baliol was summoned to answer his complaint in the king's court in Trinity term. The first summons he disregarded; and a second was delivered to him in the castle of Stirling by the sheriff of Northumberland, citing him to answer not only to the appeal of Macduff, but for his contempt of Edward's authority.[2] Here, however, it should be observed, that his personal attendance was not required; both the plaintiff and the defendant might in such cases appear, if they thought proper, by their respective attorneys.[3] But Baliol, with the view, as it seems, of objecting to the practice of appeals altogether, attended on the appointed day, and as soon as the complaint of Macduff had been read,[4] arose, disclaimed all intended contempt of his superior lord, and maintained that he was not bound to answer the appellant. The court decided against him, and Macduff prayed judgment in his own favour. Edward observed to Baliol, that he had sworn fealty, and done homage to the English crown; that he had been lawfully summoned before the court of his superior lord, and that he was bound to answer, or to show cause why he ought not. The king of Scots replied, that it was a matter which regarded the rights of his crown, and in which he did not dare to answer without the advice of the good men of his realm. When it was observed that he might have time to consult them, he replied that he would not ask either for time or adjournment. Edward now required the advice of the prelates, lords, and judges forming his council, by whom it was resolved, that Baliol had offered no defence; that the cognizance of the principal cause had devolved to the king of England; that Macduff in compensation for his imprisonment should recover damages, to be taxed by the court; that the king of Scots, by refusing to answer, though he had formerly submitted his right to the succession to the decision of his lord, had committed a manifest contempt and disobedience; and that until he made satisfaction for such contempt

1 Rym. ii. 590, 598, 602, 619, 635.
2 Rym. ii. 604, 606.
3 Habeant attornatum secundum consuetudinem curiæ Anglicanæ, si sibi viderint expedire.—Rot. Parl. i. 110.
4 Macduff laid the damages for false imprisonment at 700 marks; those for contempt of Edward's authority at 10,000.—Rot. Parl. i. 112.

and disobedience, three of his castles in Scotland, with their royalties, should be sequestrated in the king's hands. But before this judgment was pronounced, Baliol addressed Edward in the following manner: "Sir, I am your liege man for the realm of Scotland; and, as the present matter concerns my subjects as well as myself, I pray you to forbear, till I consult them, that I may not be surprised for want of advice. At your next parliament after Easter I will answer according to their counsel, and will do to you whatever I ought to do."[1] The request was immediately granted; nor did Edward appear to retain any resentment against him for his preceding conduct. His claim to the honours and lands of Tynedale, Penrith, and Sowerby, with a third part of the honour of Huntingdon, was allowed; and he was generously exempted from the payment of the relief due for the estates of his mother Dervorgild, which amounted to three thousand pounds. As to the cause between him and Macduff, it was never decided. Baliol obtained adjournment after adjournment, till the war ensued, which deprived him of his kingdom.

While Edward thus exercised his newly acquired superiority over his vassal the king of Scots, he was doomed to experience, as duke of Aquitaine, similar mortifications from the superior jurisdiction of his lord the king of France. The pretended offence, for which that monarch deprived him of Gascony, grew out of a private dispute between two sailors at a watering-place on the French coast. An Englishman and a Norman met by accident; they quarrelled and fought. The Norman fell; the Englishman was rescued by his shipmates; and the Norman sailors, to revenge the death of their countryman, boarded the first English vessel which they met, took out a passenger, a merchant from Bayonne, and hanged him with a dog at his heels from the head of their mast. Retaliation followed; the mariners of each country took part in the quarrel; the Normans called out to their assistance the sailors of France and Genoa; the English associated with those of Ireland and Gascony; and the seas were covered with hostile squadrons, which, without any commission from their sovereigns, made war on each other, and under the influence of passion perpetrated outrages unknown to legitimate hostility. A Norman fleet, amounting to more than two hundred sail of all descriptions, after riding for some time triumphant in the Channel, pillaged the coast of Gascony, and returned with their plunder to St. Mahé, a port in Bretagne. Here they were discovered by the mariners at Portsmouth and the cinque ports, who had collected eighty stout ships well manned, and prepared for battle. A challenge was given and accepted; the hostile fleets assembled round a ship which had been moored in a particular spot by mutual consent; and the victory was contested with a stubbornness that has seldom been paralleled. At length the fortune, or the valour, of the English prevailed. They captured every ship of the enemy, and, as no quarter was given, the majority of the crews perished in the ocean. The prizes, amounting to two hundred and

[1] Rot. Parl. i. 113. Ryley, 160—165. In cases of contempt and disobedience, the usual judgment was to seize the lands of the defendant, and commit him to prison at the king's pleasure. After a certain time he was allowed to obtain his liberty on the payment of an arbitrary fine.—Rot. Parl. i. 70, 77. But often, before the judgment was pronounced, the defendant solicited the king's favour, and obtained either a delay, or a cessation of the proceedings against him. On such occasions he generally submitted himself to the king's pleasure without reserve (de alto et basso); and paid any fine that might be demanded.—See the case of the archbishop of York, Rot. Parl. i. 104.

forty, arrived safe in England; the number of killed and drowned was swelled by exaggeration to fifteen thousand men.[1]

This defeat, so murderous and disgraceful, provoked the resentment of Philip. From the king of England he could only demand redress; from the duke of Aquitaine he could exact it. It was asserted, probably with truth, that the mariners of Bayonne had not only taken a share in the action, but had also attempted to surprise the port of Rochelle; and Edward's lieutenant was required to arrest and lodge in a French prison a certain number of the accused. He neglected the requisition; and to punish his disobedience, the seneschal of Perigord was ordered to take possession of all the lands belonging to Edward, which lay within his jurisdiction. But the civil officers were driven back by the military under the command of Sir John St. John; and, in consequence, a peremptory summons was issued by the royal court of Paris, ordering Edward to appear within twenty days after Christmas, and answer for these offences and contempts against his sovereign.[2] The king, who saw the real object of Philip, endeavoured to appease his resentment. By his ambassador, the bishop of London, he offered compensation to the sufferers on the part of France, provided equal restitution were made to the English; and, when this was refused, proposed to refer the dispute either to arbitrators to be chosen by the two kings, or to the pope, "whose office it was to preserve concord among princes."[3] The bishop was succeeded by a more distinguished, and, it was hoped, a more welcome negotiator, Edmund, the brother to the king of England, and husband to the mother of the French queen. But the simplicity of the prince was not a match for the arts of his opponents. Philip's sole object, he was told, was to guard his honour; and a promise was given that, if Gascony were surrendered to him during forty days, it should at the expiration of that period be faithfully restored on the petition of the two queens. A secret treaty to that effect was concluded. It was signed by the consort of Philip; Edward signified his consent; and the French monarch, in the presence of several witnesses, promised to observe it on the word of a king. The citation against Edward was now withdrawn, and Edmund issued the orders, under which legal, and in some instances military, possession was given of Gascony to the officers of its superior lord.[4]

It must excite surprise that the king of England should so easily have fallen into the snare. But he was actuated by another consideration, the accomplishment of a treaty of marriage between himself and Margaret, the sister of Philip. By that treaty the duchy of Guienne had been settled on his issue by the princess, and to carry this provision into legal execution, it was necessary that Guienne should be resigned into the hands of its lord, that by a new enfeoffment it might be settled on the king and his heirs by his second marriage. At the expiration of forty days, Edmund reminded Philip of his engagement; but was requested to forbear till certain lords of the council should have departed from Paris. Some days after he repeated the demand, and received a positive refusal. Philip took his seat in his court, rejected the arguments of Edward's advocates, and though the citation had been withdrawn, pro-

[1] Wals. 60, 479. Heming. i. 40. Trivet, 274. [2] Rym. ii. 617, 619.

[3] Walsing. 60, 481.
[4] Rym. ii. 619—622.

nounced judgment against him for default of appearance.[1]

Such is the account given by Edmund himself; and, that the substance of it is true, appears from the narratives of the French historians, who, while they relate the cession of Guienne, are utterly at a loss to account for its cause. The deception was most dishonourable to the character of Philip, though by the turbulence of the Gascons he was enabled to give to his conduct some appearance of justice. At Bordeaux they had massacred the Normans, some of whom had been domiciled for more than ten years in that city; at Freniac they had enticed the officers of the French customs on board a vessel, and decapitated them on the open deck; and in many of the fortresses they had hanged the sergeants at arms, who had taken possession in the name of the king of France. On these grounds Philip once more summoned Edward to answer before his peers;[2] but the king, instead of presenting himself as a culprit at the bar, had, by the advice of a great council, prepared to enforce his right at the head of a powerful army. He wrote an exculpatory letter to the barons and people of Guienne, acknowledging that he had done wrong to resign them to the king of France without their consent; but protesting that he had been more deceived than they, and assuring them that in a short time he would free them from a yoke which they abhorred. He sent messengers to Paris to renounce in legal form the superiority of Philip. "Sir," said they, "the lord Edward, king of England, lord of Ireland, and duke of Aquitaine, did homage to you according to the peace concluded between your ancestors and his, which peace you have not observed. He made with you a secret treaty by means of his brother the lord Edmund, which treaty you have not kept. He has thrice demanded the restoration of his duchy of Guienne, which restoration you have refused. It is evident then that you do not treat him as your man; and it is therefore his intention to be so no longer."[3] But the elements seemed to have conspired with his own subjects to frustrate his design. For seven weeks he was detained at Portsmouth by contrary winds; and the Welsh, who believed him to have sailed, rose in every part of the principality, surprised and murdered the English, and poured in great numbers into the marches. A large body of troops which had been despatched to quell the insurrection was defeated; and the king, abandoning the expedition to Guienne, hastened to Wales, to revive the spirits of the soldiery. Aided by the inclemency of the season, the natives bade defiance to Edward, who, on one occasion, was separated from his army by the sudden rise of the river Conway, and was compelled with his followers to subsist for some days on the coarsest fare. But at the return of spring, resistance melted away before him. Anglesea submitted; the royal banner was planted on the summit of Snowdun; the Welsh in despair burst into the marches; and at Caurscastle, Madoc, the leader of the insurgents, threw himself at the feet of the conqueror. A second time the conquest of Wales was achieved. Edward condemned the chieftains who had joined in the rebellion to close confinement in separate castles; their estates he gave to their heirs, but with a threat, that if they should imitate the perfidy of their fathers, they must expect a more severe punishment. The admonition was remembered; and from

[1] Rym. ii. 622—626. West. 421. Heming. 42, 43.

[2] Rym. ii. 634, 635.

[3] Id. ii. 644, 650.

that period, says the historian, the Welsh began to attend to the cultivation of the soil, the profits of commerce, and the arts of peace.[1]

It was midsummer before Edward returned to his capital. Again he prepared to recover his transmarine dominions; again he was recalled to oppose his adversaries within the island. The Scottish barons longed to assert the independence of their country; but, warned by the fate of the Welsh insurgents, sought to fortify their efforts with the aid of the French monarch. The timid mind of Baliol wavered. He calculated the power of Edward, and trembled at the consequences of a failure. At last he allowed himself to be carried away by the current of public opinion, and resigned the management of the war to a committee composed of four prelates, four earls, and four barons. An alliance offensive and defensive was hastily concluded with France. If Edward should invade Scotland, Philip engaged to employ all his forces against the weakest part of Edward's dominions; if he should transport an army to France, Baliol bound himself to pour his Scots into the north of England; and at the same time, to cement the union between the two crowns, a treaty of marriage was concluded between Edward the heir of Baliol, and Jane the eldest daughter of Charles of Valois, and the niece of Philip.[2] These transactions could not be concealed from the jealousy of Edward. He sent to Guienne a small force under his brother Edmund, who died soon after his arrival, and was succeeded in the command by the earl of Lincoln; but remained himself in England to watch the motions, and ascertain by experiment the real designs, of his Scottish vassal. He first called on Baliol for aid in his intended expedition into Guienne; then demanded the castles of Roxburgh, Jedburgh, and Berwick, as a security during his absence; and lastly cited the king of Scots before his court to be held at Newcastle-upon-Tyne in the beginning of March. Had Baliol obeyed the summons, he would have found himself in the midst of an army of forty thousand men;[3] but his barons were careful to keep him secluded in the Highlands, and made the most active preparations for the invasion of England. Accident allotted to the Scots the glory or the blame of commencing hostilities. Robert de Ros, the lord of Werk, who was enamoured of a Scottish lady, had at her persuasion embraced the cause of her countrymen. His brother, who commanded in his absence, sent the information to Edward; and a body of a thousand Scots, who marched to take possession of the castle, were surprised in the night, and cut off almost to a man. Edward expressed his satisfaction that his enemies had been the first to draw the sword, and advancing to Werk, remained there during the festival of Easter. A feeble attempt was made to withdraw him from the borders by the invasion of Cumberland. But the king steadily pursued his object. The English army invested Berwick; the next day it was carried by assault, and seven thousand men perished in the massacre.[4] For this loss the Scots

[1] Heming. i. 57. West. 423. Walsing. 63.

[2] Anderson, Diplom. Scot. Tab. xli. Thres. des Chart. 125.

[3] Edward to increase his army, had offered a full pardon to all outlaws and malefactors who should join it.—Abbrev. placit. 236, Rot. 1. It consisted of 30,000 foot and 4,000 horse. The bishop of Durham joined him with 1,000 foot and 700 horse; to which must be added a body of Welsh, and another of Irish.—Heming. i. 85.

[4] Heming. 87—92. Walsing. 66, 483. Trivet, 285, 288. About this time Robert Bruce died. His son refused to join his countrymen against Edward; and his lands were in consequence taken from him and given to the earl of Buchan.—Heming. 67, 83.

consoled themselves with the destruction of Corbridge and Hexham,[1] and Baliol sent to the English monarch a formal renunciation of homage in his own name and that of his barons.[2] "Felon, fool!" exclaimed Edward, in a tone of contempt and pity, "but since he will not obey our summons, we must go and find him out." The earl Warenne was despatched with a numerous force to besiege the castle of Dunbar, which belonged to the king's adherent, the earl of March, but had been betrayed by the countess to her countrymen. The garrison agreed to surrender, if the place were not relieved in three days, and on the third the Scottish army appeared stretching along the chain of hills beyond the town. Warenne resolved to give battle; but, whether it were from design, or on account of the nature of the ground, ordered his troops to make a retrograde movement. "They run," exclaimed several voices from the heights; and with a loud shout forty thousand men precipitated themselves into the valley to trample under foot the imaginary fugitives. To their astonishment they met the enemy advancing in a compact mass: consternation spread itself from banner to banner; the pursuers fled; and the English obtained a cheap, and on their part, an almost bloodless victory. Report raised the loss of the Scots to fifteen or twenty thousand men; the most moderate calculation has reduced it to half that number. But Scotland was now subdued; Dunbar, Roxburgh, and Jedburgh opened their gates; Edinburgh made but a show of resistance; Stirling was deserted by its garrison; and Perth, Brechin, Forfar, and St. Andrew's, submitted.[3] It is said that the unfortunate Baliol, mounted on a galloway, and bearing a white wand, the emblem of vassalage, met the deputies of his conqueror in a churchyard, and expressed his sorrow for his alliance with the French king and for his rebellion against his liege lord. But this did not remove the resolution of the king of England. Baliol had refused to hold Scotland of Edward; he was therefore unworthy to recover it; and was compelled to sign at Kincardin an instrument, in which he acknowledged the right of the superior lord to enter into possession of his fee after the renunciation of homage, and transferred to him the fealty, which the Scottish barons and freeholders had sworn for himself.[4] Soon afterwards he repeated the same in the castle of Brechin, in the presence of Edward, who appointed the Tower of London for his residence, and granted to him the full liberty of a circle of twenty miles round the walls of the city. If we may believe Baliol himself, he parted from his crown without regret. The feuds and violence of the Scots, their dissimulation, perfidy, and attempts upon his life, had effectually subdued his desire of reigning; and his only ambition was to retire to Normandy, and lead a life of privacy on his patrimonial estates. After three years his wishes were gratified. He solemnly declared that he would never more intermeddle in the affairs of Scotland;[5] the pontiff became surety for the performance of his promise; and he was delivered to the bishop of Vicenza, the papal

[1] At Corbridge they burnt nearly 200 boys in the schools—Parvos clericulos primas literas et grammaticam addiscentes ad numerum circiter ducentorum in scholis existentes, obstructis hostiis scholarum ipsarum, igne supposito concremarunt.—From the judgment on Baliol, apud Palgrave, i. 149.

[2] Rym. ii. 707.

[3] Heming. 93—100. Walsing. 67, 484. Fordun, xi. 24, 26.

[4] Rym. ii. 709.

[5] Tantam invenit in hominibus ejusdem regni malitiam, fraudem . . . intentionis suæ non est prædictum regnum ingredi, seu de ipso regno aut pertinentiis suis per se, vel per alium aut alios intromittere ullo modo. See the authentic act, apud Prynne, 665. Brady, iii. App. 28.

legate, with a protestation on the part of Edward, that by this delivery Boniface should acquire nothing more than the right of disposing of the person of Baliol, and of his English estates.[1] The exile soon ceased to be an object of jealousy; nor had his death, which happened six years later, any influence on the course of events. By his countrymen he has been condemned as a weak and mean-spirited prince; to me he appears as deserving of pity as of blame. His reign had ceased long before his resignation of the sceptre; and the sovereign authority was exercised by the lords of his council, who used his name merely as a sanction to their own measures. With them the war originated; by them it was conducted; and they were responsible for its result. By Baliol, who foresaw the consequences, it was always condemned; but he united his own fate to the fate of the nation, and became the victim of that confidence which so rashly provoked, and of that despondency which so hastily abandoned, the contest. Baliol lost his kingdom; of the real authors of the war, some immediately, all after a short interval, recovered their honours and their possessions.

From Perth Edward marched to Aberdeen, from Aberdeen to Elgin; but every sword was sheathed, and every knee was ready to bend to the lord of Scotland. Unable to discover an enemy, he turned to the south,[2] and summoned a parliament to meet him at Berwick, where all the Scottish barons, prelates, and tenants of the crown in person, all the burghs and commonalties by their representatives, did homage, and swore fealty. He made no innovation in the laws of the kingdom or the nature of the tenures; alienated no property; retained with one or two exceptions the former governors in the custody of the royal castles; and if he compelled the most dangerous of the Scottish barons to reside for a short period on the south of the Trent, he engaged to restore them to their full liberty as soon as he had concluded peace with the king of France. The highest offices of government were vested in Englishmen, under John de Warenne, earl of Surrey, who was distinguished by the title of guardian of the kingdom.[3]

The repeated insurrections of the Welsh ought to have taught Edward that oaths of fealty, extorted from a conquered people, impose but a feeble restraint on the love of independence. But he relied more on the apprehensions than the conscience of the Scottish chieftains. The rapidity of his conquest had demonstrated the superiority of his power, and he rightly judged that the penalties of treason would confine to his duty every man whose family was in possion of property and honours. Indeed, at this period, Scotland owed

[1] Rym. ii. 840, 847. Carte by mistake has represented this instrument as an acknowledgment by the pope of Edward's superiority.

[2] It has been said that Edward destroyed all the proofs of Scottish independence which existed in the records of the different monasteries. But Lord Hailes candidly owns that he can discover no other proof of the assertion than that the English destroyed some of the charters belonging to the abbey of Scone, and tore the seals from others. They also carried off the Scottish regalia, and the fatal stone seat on which the Scottish kings sat at their coronation, and of which it was believed that

Scoti, quocumque locatum
Invenient lapidem, regnare tenentur ibidem.

It was placed in Westminster Abbey. Heming. 37. Ford. xi. 25.

[3] Rym. ii. 723, 727, 731. Heming. 103, 118. Ford. xi. 27. Boniface VIII. seems not to have approved of this conquest. In a letter to the king he exhorts him not to listen to the suggestions of men whose interest it is to involve him in war; and adds, that though he now possesses Scotland unjustly, it is his (the pope's) endeavour, as he has already informed him, to obtain it for him justly, without the diminution of his fame, or danger of his salvation. Rym. ii. 804. The meaning of this enigma I cannot unravel.

little to the exertions of her nobles. It was an obscure individual, the youngest son of a country gentleman, who kindled and nourished the flame of Scottish patriotism. Historians conjecture that William Wallace was born in the neighbourhood of Paisley; they assert that his hostility to the English originated more in the necessity of self-preservation than the love of his country. He had committed murder; he fled from the pursuit of justice to the woods; and there was joined by men of similar fortunes, who sought to escape the punishment of their crimes, or had refused to swear fealty to the conqueror. At first they supported themselves by nocturnal depredations; success added to their courage, and multiplied their numbers; and a fortunate rencontre, in which William Heslop, the sheriff of Lanarkshire, was slain, gave celebrity to the name of Wallace. There was another leader of outlaws, Sir William Douglas, who had been made prisoner at Berwick, and had received both liberty, and a grant of his property from the generosity of Edward. He joined with Wallace in an attempt to surprise at Scone the chief justiciary Ormesby, who lost his treasures, but saved himself by the precipitancy of his flight.[1] Animated by their example, or prompted by similar causes, other independent chieftains arose in different counties, who assaulted the English and the partisans of the English, wherever it could be done with the hope of impunity, massacred all who fell into their hands, and compelled their own countrymen to fight under their own standards. The origin and progress of these numerous parties had been viewed with secret satisfaction by the Stewart of Scotland and Wishart, the bishop of Glasgow, who determined to collect them into one body, and give to their efforts one common direction. Declaring themselves the asserters of Scottish independence, they invited the different leaders to rally round them; and the summons was obeyed by Wallace and Douglas, by Sir Alexander Lindsay, Sir Andrew Moray, and Sir Richard Lundy. The younger Bruce, earl of Carrick, was solicited to support their cause. He knew not how to decide. Whichever party should succeed, he might gain or lose a crown. At first he repaired to Carlisle, renewed his fealty to Edward, and ravaged the lands of Sir William Douglas; then he changed his sentiments; tempted in vain the fidelity of the men of Annandale; and hastened with his own retainers to the camp of the patriots.[2]

Edward had now undertaken the recovery of Guienne; nor could he be diverted from his object by the danger of losing Scotland. He cherished the hope that his deputy might be able to put down the insurgents; he was convinced that at his return he could easily reconquer whatever should have been lost. The guardian and treasurer were on their road to confer with the king, when they received orders to collect the forces of the six northern counties of England, and to re-establish the royal authority in Scotland. Two armies were formed, one on the eastern, the other on the western coast. The latter, under Henry lord Percy, and Sir Robert Clifford, discovered the Scots near Irvine, on the right bank of the river. But the ardour of the patriots had been chilled by the dissensions of their chieftains; and Sir

[1] Fordun, xi. 28. Walsing. 70. Erat quidam latro publicus, Willelmus Waleys nomine, qui multis temporibus exulaveret . . . factus est quasi princeps eorum. Huic Willelmus Douglas . . . latro latroni sociatur. Heming. 118, 119.

[2] Knyght. 2513, 2514. Walsing. 70. Cum episcopo Glasguensi, et senescallo Scotiæ qui *totius mali fabricatores* extiterunt, confœderatus est.—Heming. 119.

Richard Lundy abandoned a cause which he observed could never prosper so long as it was at variance with itself. His defection opened the most gloomy prospects to the other leaders; Bruce, the Stewart, the bishop, Lindsay and Douglas, hastened to capitulate for their lives, limbs, and estates; and signed a paper, in which they acknowledged their guilt, promised satisfaction, and undertook to use their influence in pacifying the country. Wallace and Moray, who had little to save or lose, were not included in the capitulation; and this circumstance increased their popularity with the common soldiers, who disapproved of the pusillanimity of their chiefs. They were followed by the greater part of the army in their retreat beyond the Frith; and many noblemen, who affected an outward show of loyalty, secretly encouraged their tenantry to join the insurgents.[1]

The king had already sailed to the continent, and Warenne, with a numerous army, had reached the town of Stirling. Wishart and Douglas, unable to perform their engagements, voluntarily surrendered to the English; but the Stewart, with the earl of Lennox, amused the guardian with a pretended negotiation, till Wallace and Moray had assembled all their forces behind the hills in the neighbourhood of Cambuskenneth. They then brought an answer that the insurgents would not admit of any terms short of the national independence, and promised to join the royal army on the next morning, with a retinue of forty knights. That morning Warenne, in opposition to the advice of Lundy, ordered the English to cross the Forth by the bridge, which was so narrow that no more than two armed men could march over it at the same time. Wallace at a distance watched their movements: and as soon as he saw about five thousand horse and foot on the left bank of the river, ordered his followers to pour down from the heights, and annihilate their enemies. Warenne, unable to send assistance, was compelled to remain on the right bank, the idle spectator of the massacre of his men. All who had crossed, with very few exceptions, fell by the sword, or perished in the river. Among the slain was the treasurer Cressingham; and the Scots, to show their hatred of the man, flayed his dead body, and made the skin into thongs for their horses. This unexpected disaster broke all the plans of the guardian. The western army had already been disbanded; the natives in his rear were rising to intercept his retreat; and his only resource was to burn the bridge, reinforce the garrisons of the different castles, and withdraw as speedily as possible into England. Wallace and Moray now styled themselves "their generals," and the followers "the army of John king of Scotland;" they crossed the borders with multitudes who joined them in the pursuit of plunder; and during a month the open country in Northumberland and Cumberland was ravaged by a licentious and revengeful soldiery.[2]

From this period we lose sight of Moray. His associate Wallace appears alone on the scene, as "the guardian of the kingdom, and general of the armies of Scotland,"[3] under which title he summoned a parliament to meet at Perth. But this adventurer had now reached the meridian of his greatness; and his fall was even more rapid than his rise. As long as the attention of the king was directed to the recovery of his transmarine dominions, Wallace

[1] Palgrave, i. p. 198. Rym. ii. 774. Knyght. 2215, 2516. Walsing. 70. Heming. 122—124. Trivet, 300.

[2] Fordun, xi. 29, 126—136. Knyght. 2516—2522. Wal. 73.

[3] Anderson, Diplom. Scot. Tab. xliv.

had triumphed; but the efforts of Boniface VIII. to restore peace between England and France, had at last been crowned with success; and by the industry of his legates, who had spent two years in journeys and conferences, Edward and Philip had been induced to sign a preliminary treaty. Both kings consented to refer their differences to the equity of Boniface, not as pontiff, but as a private judge, selected by the parties;[1] and he, after some delay, published his award, confirming the armistice; proposing marriages between Edward, who was now a widower, and Margaret the sister, and between Edward's son and Isabella, the daughter of Philip; and taking into his own hands all the possessions which the king of England held in France, now or before the war, to be disposed of by himself in virtue of his power of arbitrator, unless the two kings should previously come to a satisfactory agreement.[2] But Edward did not wait for the papal decision; as soon as he was freed from all danger on the part of the French monarch, he sent orders to Warenne, who lay with a powerful army at Berwick, to wait his arrival, eluded, under different pretexts, the demand of Philip, that Scotland should be included in the treaty, landed at Sandwich, met his parliament at York, and repaired to Roxburgh, where he found himself at the head of eight thousand horse, and eighty thousand foot, principally Irish and Welsh. From Roxburgh he penetrated to the Forth; no enemy appeared to dispute his progress; but the want of provisions, and the ravages of disease, compelled him to make a retrograde movement; and he had almost reached Edinburgh, when a few ships laden with supplies anchored in the Frith. At Templeliston he refreshed his army, and received information that Wallace with his Scots lay in the forest of Falkirk, watching an opportunity to harass his retreat. The English were immediately in motion, and retraced their steps to the moor of Linlithgow, where they passed the night on the bare heath, and the next morning discovered the enemy in battle array behind a morass.[3] Wallace had formed his pikemen, the flower of his army, into four circular bodies, connected with each other by a line of archers from the forest of Selkirk. Before them he had planted a defence of palisades, behind them, probably to prevent their retreat, he had stationed the Scottish cavalry; and having thus imposed on the most reluctant the necessity of fighting, triumphantly exclaimed, "I haif brocht you to the king, hop gif ye can.[4] The first division of the English, commanded by the earl mareschal, from its ignorance of the ground, was entangled in the morass; the second, led by the bishop of Durham, wheeled round the swamp, and came in sight of the cavalry, when the prelate ordered his men to wait the arrival of the other bodies. "To thy mass, bishop," exclaimed a knight, and rushed on the enemy. They fled at the first charge; the bowmen

[1] Boniface ordered a truce of his own authority, and excommunicated any prince who might refuse it. Philip, when he accepted the truce, observed to the legates, that the temporal government of his kingdom belonged to him, and to no other; in that respect he had no superior; and that he would never submit to any man who should pretend to interfere in the civil administration.—Thres. des Chart. 16.

[2] Rym. ii. 669, 682, 685, 707, 734, 754, 791, 795, 809, 812, 817, 819.

[3] Hemingford, 163, and Walsingham, 75, inform us that before the battle the king had two ribs broken by a kick from his horse; Knyghton, that he spurred his horse with such violence as to break two of the horse's ribs.—2527.

[4] So it is in Walsingham, 75. But Langtoft (305), (and Westminster agrees with him) has, "to the renge (ring) are ye brocht, hop now, if ye will."

were trampled under foot; but the four bodies of pikemen opposed on all sides an impenetrable front to their assailants. Their resistance, however, only delayed their fate. Edward advanced his archers and military engines; an opening was soon made in each circle; and the cavalry rushing through the chasm, completed their destruction. From twenty to forty thousand Scots are said to have perished. Wallace himself escaped. But his sun had now set for ever; he hastened to resign his office of guardian, and spent the rest of his life a wanderer in the forests, from which he had formerly issued for the chastisement of the English, and the liberation of his country.[1]

The poverty of Scotland was its protection. After his victory, Edward traversed it in different directions; but the impossibility of procuring provisions for his army compelled him to return to England; and the only advantage which he derived from the campaign, was the opportunity it had offered him of relieving and provisioning the castles in Lothian. All Scotland north of the two friths, together with Galloway, was independent; and William Lamberton, bishop of St. Andrew's, Robert Bruce, earl of Carrick, and John Comyn the younger, were appointed a council of regency to govern in the name of Baliol, who was still acknowledged as lawful king. They undertook the siege of Stirling; nor was Edward at leisure to succour that important fortress. His parliament had approved the papal award; and as the envoys of the three powers were to meet at Montreuil, he was advised to remain in the south, that he might be near the place of negotiation. The summer months passed away; his marriage with Margaret, the French princess, detained him several weeks;[2] and when he joined the army at Berwick, he was compelled to yield to the remonstrances of his barons, who refused to expose themselves to the danger of a winter campaign. He had already rejected the proposal of a truce, and thus lost by his obstinacy the strong castle of Stirling.[3]

Under the short government of Wallace, the Scots had solicited the protection of the pontiff; who, in a letter to Edward, after describing the attention which the holy see had always paid to his interests, earnestly exhorted him to live at peace with his neighbours, and to listen no longer to the suggestions of his ambition.[4] To a request conveyed in such general terms it was easy to return an evasive answer; but the new regents despatched envoys to Rome who more powerfully interested Boniface in their favour. They referred their quarrel with the king of England to his decision, because he was the only judge whose jurisdiction extended over both kingdoms; they reminded him that by remaining indifferent, he would suffer Edward to annex to his own throne a realm, which of right belonged to the see of Rome;[5] and

[1] Fordun, xi. 34. Heming. 59—165. Wal. 75.

[2] They were married at Canterbury, on the 12th of September. The queen's dower was a yearly rent of 15,000 pounds Tournois (about 3,750*l.* sterling.) As the young prince was only thirteen, and Isabella only seven years of age, their marriage was contracted in private by proxy. Her dower amounted to 13,000 pounds Tournois (3,250*l.* sterling).—Rym. ii. 819. Wals. 77. West. 432.

[3] Rym. ii. 831, 847, 859. Knyght. 2528.

[4] Rym. 827.

[5] This pretension, that Scotland belonged to the see of Rome, is attributed by our historians to the ambition of Boniface. He is said to have forged a false title to attribute the superiority to himself. But it is certainly more ancient than Boniface. Not only was it strenuously maintained by the Scottish agents at Rome (Regnum Scotiæ præcipuum et peculiare allodium ecclesiæ Romanæ—in temporalibus immediate subditum ecclesiæ Romanæ—Fordun, xi. 51, 54, 56, 57); but the regents in their instructions

they exhibited to him a long series of proofs that the kings of England had not, nor ought to have, any superiority over the kings of Scotland. These representations induced the pontiff to interfere; and a letter was written to Edward almost in the very words of the Scottish memorial. Boniface began by asserting, what he pretended the king must know, that Scotland had belonged from ancient times, and did still belong, in full right to the Roman see. He then proved that it was not a fief of the English crown, from the following instances: 1. When Henry III. in his war with the earl of Leicester received assistance from the king of Scotland, he acknowledged by his letters patent that it was as a favour, and not as a feudal service: 2. When Alexander III. did homage to Edward for Tynedale and Penrith, he protested that he did not do it, nor did he owe it, for the crown of Scotland: 3. At the death of that prince, neither the wardship of his daughter Margaret, nor the custody of the kingdom, was claimed by Edward: and, 4. In the treaty of marriage between the prince of England and Margaret it was declared, that the kingdom of Scotland should remain for ever free and independent, and in the case of her death, be restored in that state to the next heir. Hence the pontiff expressed his hope that the king, desisting from an unjust aggression, would set at liberty the bishops, clergy, and natives of Scotland, whom he held in captivity; and, if he thought he had any right to the whole or part of that kingdom, would pursue his claim to it within the six months following before the holy see. He concluded in a strain of authority, by revoking and reserving to his own decision every process or controversy, which might be then pending between the king of England and the king or people of Scotland.[1] This extraordinary document was enclosed in a letter to Winchelsea, archbishop of Canterbury, ordering him, under the penalty of suspension, to present it to Edward. By some unaccountable delay, twelve months elapsed before it was delivered to the primate, who immediately repaired to Carlisle. But the king had already reached Kirkcudbright; and the intermediate country was in the possession of the Scots. For six weeks the archbishop lingered on the borders, afraid to proceed, yet distressed through want of provisions; at length he heard that the army was on its return, and crossing the sands, found Edward encamped in the neighbourhood of Caerlaverock. He delivered the letter, which was publicly read in Latin and French to all the barons in the king's presence. It came at a most critical moment. The peace with France was not yet concluded; and Gascony was still sequestered in the hands of the pontiff. Unwilling to offend one whose friendship was so necessary to him, he took time to deliberate, and then replied, that in a matter which concerned the right of his crown, it was his duty to consult his other counsellors; that in

to their envoy declare that it was objected to Edward, when he first advanced his claim to the superiority. Licet Romana ecclesia tunc pro parte ipsius regni fuisset nominata domina regni ejusdem coram ipso, sicut erat, ipse tamen rex allegationem hujusmodi non admisit.—Ford. xi. 53.) Certain it is that Nicholas IV., when Edward desired him in 1290 to confirm the claim of the English crown, replied that he could not do it, because it would be to deprive the Roman see of a superiority which belonged to it. Se non posse in regno Scotiæ sedi Apostolicæ obnoxio ecclesiæ Romanæ derogare, ejusque fiduciarios regi Anglo submittere.—Spond. ad ann. 1290 ex regist. Vatic. ep. 102. The origin of this pretension I cannot discover; but I suspect that it was first advanced by the Scots during their long controversy with the archbishop of York respecting the independence of their church, which terminated in a decision, that the Scottish prelates were immediately subject to no one but the pope.

[1] Rym. ii. 844—846.

a short time he would assemble his parliament, and with its advice would return a satisfactory answer to the pontiff. The archbishop returned; he was followed by Edward; and at the request of the king of France, an armistice was granted to the Scots.[1]

To answer the letter of Boniface, a parliament was summoned to meet at Lincoln. The universities were ordered to depute four or five civilians; the monasteries to furnish every document in their possession, which could bear upon the question. After some debate a reply was framed, which was signed and sealed by one hundred and four earls and barons, in the name of the commonalty of England; and which deserves to be transcribed, as it shows how accurately our ancestors could distinguish between the spiritual and temporal authority of the pontiff. After expressing their astonishment at the tenor of the papal rescript, and asserting that Scotland never belonged in temporals to the see of Rome, they thus notice the authority which the pope had arrogated to himself, of deciding the controversy by judicial process:—"By a custom, at all times inviolably observed, a privilege arising from the pre-eminence of the regal dignity, the kings of England have never pleaded, or been bound to plead respecting their rights in the kingdom of Scotland, or any other their temporal rights, before any judge, ecclesiastical or secular. It is, therefore, and by the grace of God shall always be, our common and unanimous resolve, that with respect to the rights of his kingdom of Scotland or other his temporal rights, our aforesaid lord the king shall not plead before you, nor submit in any manner to your judgment, nor suffer his right to be brought into question by any inquiry, nor send agents or procurators for that purpose to your court. For such proceedings would be to the manifest disherison of the crown of England and the royal dignity, the evident subversion of the state of the kingdom, and the prejudice of the liberties, customs, and laws, which we have inherited from our fathers, to the observance and defence of which we are bound by our oaths, and which we will maintain to the best of our power, and by the assistance of God will defend with all our might. Neither do we, nor will we, permit, as we neither can nor ought, our aforesaid lord the king to do, or attempt to do, even if he wished it, any of the things aforesaid, things which we never heard of or claimed before, and which are so prejudicial to this realm.[2]

Though Edward refused to acknowledge the pope as a judge, he was willing to explain his right to him as a friend. A long letter was written, and the superiority of his predecessors was accurately traced back to the remote age of Heli and Samuel. It was then that Brute, the Trojan, having cleared the island of the giants, its indigenous inhabitants, divided it between his three sons, Locrine, Albanact, and Camber, but on the condition that the younger

[1] West. 435, 437—439. Lord Hailes says, that Rymer has dated the bull erroneously in 1299 (Annals, 267). But it bears the same date, anno quinto, in Hemingford, Westminster, and Fordun. From the archbishop's reply to the pope, it appears that he was twenty days on his journey to Carlisle, remained on the borders six weeks, and reached the king August 26. Of course he must have received the bull before the 27th of June; and as that is the day of the month on which it was dated, it must have been written the year before.

[2] Rym. ii. 873—875. New. Rym. 923. 4. 6. This protest does not now exist in the papal archives; which, however, is no proof that it was not received; because many documents of the pontificate of Boniface are wanting. In England there still exists an original with most of the barons' seals appended to it. Hence, unless we suppose that there were two originals, one sent, and one preserved at home, it seems probable that for some reason or other it was thought proper to suppress the protest.

should hold their portions in fee of the eldest brother. Locrine, the eldest, established himself at Trinovant, since called London, and the pre-eminence which he enjoyed was claimed and exercised by all his successors, particularly the renowned monarchs, Dunwall, Beline, and Arthur. From the fictions of romance he passed at length to real history, enumerated every instance, which he could collect, of homage done by the kings of Scotland to the Saxon or Norman princes; and contended, in a tone of triumph, that these formed a satisfactory justification of his conduct, a complete refutation of the false suggestions of his opponents.[1] The answer of the king, and perhaps that of the parliament, were delivered by the pope to Baldred Basset, the Scottish envoy, and by him transmitted to the council of regency. The instructions which he received in return, and the memorial which he presented to Boniface, are still extant. He opposes fiction to fiction, and history to history. The Scots, he says, care not for Brute or his institutions. They are sprung from Scota, the daughter of Pharaoh, who landed in Ireland, and whose descendants wrested by force of arms the northern half of Britain from the progeny of Brute. To the Britons, therefore, they owe no subjection. Nor is it of any consequence, if some of the Saxon princes occasionally penetrated into Scotland. Edward cannot claim from the Saxons. He is descended from the Normans, and no king of Scotland ever did homage to the Norman kings, with the exception of William the Lion, for any thing but lands situated in England, as is evident from the instances which were inserted before in the papal letter, and from the refusal of Innocent IV. to grant to Henry III. the tenths of Scotland, or to allow his interference in the coronation of the king of Scots. In opposition to the answer of the parliament, he observes that, if Edward declines the judgment of the pontiff, it is because he is conscious of the weakness of his claim: but that he is not to be witness and judge in the same cause; that the two realms are equal and independent; and that in all controversies between them they must have recourse to a higher tribunal, that is, to the church of Rome. He adds, that notwithstanding the contrary assertion of the English, it is notorious that Scotland is the property, the peculiar allodium of the Holy See; that its inhabitants, from the time of their conversion, have always acknowledged the direct dominion of their country, in temporals as well as spirituals, to be vested in the Roman church; and that this superiority was confirmed to it by Constantine the Great, when he made to the chair of St. Peter a donation of all the isles in the Western ocean; on which account he trusts that the pope will extend his powerful protection to his faithful and devoted vassals the natives of Scotland.[2]

But the time was gone by when Boniface, if he had possessed the will, could have dared to fight the battles of these vassals. A long succession of petty and mutual injuries had embittered the minds of the pontiff and the king of France, till their dissension gradually ripened into open hostility. Boniface excommunicated his opponent, and threatened to pronounce the sentence of deposition; and Philip appealed to a future council, accused the pontiff of heresy, and by the activity of his partisans, actually detained him a captive for the space of three days. During the progress of this quarrel, each was

[1] Rym ii. 883—888.

[2] Fordun, xi. 46—63.

anxious to obtain and preserve the friendship of Edward. The pope no longer maintained the cause of the Scots: Philip, whose promises had induced them to defy the king of England, was satisfied with obtaining for them a few short and useless suspensions of arms, and Edward improved the opportunity to urge the conclusion of peace between England and France. He recovered Guienne; the earl of Lincoln swore fealty for it in his name; the prince of Wales was contracted in marriage to Isabella, the daughter of Philip; and a treaty of commerce sealed the amity between the two nations. The Scottish envoys expressed their surprise that no stipulation had been introduced in favour of Scotland; but their complaints were silenced by the promise that, in the approaching interview between the kings, Philip himself would undertake their cause, and elicit from the generosity of their enemy more advantageous conditions than he could have obtained from ambassadors bound by written instructions. It is useless to say that the promise was not fulfilled.[1]

Before spring an English army under John de Segrave had received orders to march from Berwick to Edinburgh. In a country which had long been kept in subjection by English garrisons, that general had no expectation of meeting an enemy; and the first division of his army was surprised near Roslin by a superior force under John Comyn and Simon Fraser. Had Segrave fallen back on the rest of his troops, he might have evaded the danger; but he scorned to flee, and rushing on the enemy, was wounded and made prisoner, with twenty other knights. The Scots, pursuing their success, fell on the second division, which only escaped destruction by the arrival of the third. The battle was now renewed, and the English, having recovered the person of their general, retired.[2] The victory was of course claimed by the Scots; its importance was magnified by national partiality; and a fallacious gleam of hope enlivened the cause of freedom. But Edward soon passed the borders at the head of an army, with which it would have been folly for the Scottish patriots to contend.[3] They cherished, however, a hope that its progress might be arrested on the banks of the Forth, and encamped on the spot which had been consecrated in their eyes by the first victory of Wallace. But the king marched past the bridge which had proved so fatal to Cressingham, and crossed by a ford at the distance of a few miles. As soon as he appeared on the left bank, the host of his opponents disappeared; every town was filled with loyal inhabitants, anxious to greet the arrival of their sovereign; and the small castle of Brechin was the first place, the gates of which he found shut against him. On the twentieth day of the siege, Mauld, the governor, was slain by a stone from one of the engines; and the garrison solicited the clemency of the conqueror. Edward recommenced his progress; he advanced through Aberdeen and Banff into Caithness, and on his return fixed his residence for the winter in the great abbey of Dunfermlin.[4] To this place the Scots hastened, to make

[1] Rym. ii. 923, 929. New Rym. 955.

[2] Heming. 197. Wals. 87. Ford. xii. 2.

[3] Out of his special grace, the king allowed such of his military tenants as were clergymen, widows, or infirm, to remain at home, on the payment of a fine of 20*l.* for every knight's fee.—Rym. ii. 923.

[4] West. 446. Ford. xii. 3. Dunfermlin was a place of considerable strength and importance. Besides the church and convent, it contained many large buildings for the accommodation of the Scottish parliament. During the war these had frequently offered an asylum to the marauding parties of the patriots, and were now destroyed by the English. The habitations of the monks were spared.—West. ibid.

their peace; and after some consultation, a very comprehensive treaty was concluded between him and Comyn, the Scottish guardian. It was agreed that all prisoners and hostages on both sides should be restored; that Comyn, and all who were in arms against the king, should, if they came to his peace before a certain day, be safe in life and limb, and free from imprisonment and forfeiture, but should remain at the king's will and ordinance respecting the sums to be paid for the ransom of their lands, and in satisfaction of their trespasses against him; that for the tranquillity of the realm, Fraser and Boys should, unless they obtained a pardon, banish themselves during three years to some foreign country, but not to France; the bishop of Glasgow, James lord Stewart, and John Soulis, should reside for two years south of the river Trent; Graham and Lindsay should retire into England for six months, and Wallace, if he pleased, should submit to the will and favour of his sovereign lord the king.[1] The rest accepted these conditions; Wallace preferred the life of an outlaw, his original profession; and endeavoured to elude the vigilance of his enemies among his native forests and mountains.

The only place which still bade defiance to Edward was the strong castle of Stirling. Last year he had wisely neglected it, that he might have leisure to reduce the rest of the kingdom; now he required the governor, Sir William Oliphant, to surrender it instantly into his hands. That officer requested permission to consult Sir John Soulis, formerly regent of Scotland, from whom he had received it in charge. Edward spurned the proposal; a council of English and Scottish barons was assembled; and a sentence of outlawry was published against the governor and his garrison. But it required no ordinary exertions to reduce a fortress, raised on a lofty rock, and defended by men of approved valour. The royal engines could make no impression on the outward defences; if the habitations within the walls were beaten down by the weight and multitude of the stones thrown upon them,[2] the garrison found shelter in caverns hewn out of the rock; and for ninety days Oliphant foiled every attempt of the enemy, and, which was more difficult, resisted every solicitation of his friends. During the siege the courage or temerity of Edward exposed him to the most eminent danger; he received an arrow in his vest; his charger was struck down with a stone; but to the friendly expostulations of his knights he replied, that he fought in a just war, and his life was under the protection of Heaven. At last the courage or means of the garrison were exhausted; for three days they abstained from measures of hostility; and frequent conferences were held at the foot of the walls between Oliphant and some English barons. The next morning the gates opened; and the governor and twenty-five of his companions were seen moving in slow procession down the hill, barefoot, in their shirts, with their hair dishe-

[1] Ryl. Plac. Par. 369. Rot. Parl. i. 212, 213. Palgrave, Docum. i. 284. It has been supposed that from Wallace was required an unconditional surrender; but this is a mistake. The offer to him was the same as to all the others. The commissioners inquired what was the royal pleasure respecting him. The answer was—Endroit de William le Waleys le Roy entent quil *soit receu* a sa volunte et ordeinment.—(Ibid.) He was then *to be received* to the king's peace. Of that there can be no doubt; but he did not attend at the conference, and therefore, as no one could answer for him, a clause was inserted in the treaty, that he might accept the amnesty on the same condition as the others, *if he thought proper*.

[2] The stones thrown into the town weighed from 2 to 3 cwt.—Heming. 205.

velled, and halters round their necks. When Edward met them, they fell on their knees, and with uplifted hands implored his favour. "I have no favour for you," he replied; "you must surrender at pleasure." They assented. "Then," said he, "my pleasure is, that you be hanged as traitors. Accept of this, or return to the castle." "Sir," answered Oliphant, "we acknowledge our guilt; our lives are at your disposal." "And what say you!" rejoined the king, addressing the others. "We are all guilty," they exclaimed; "we all throw ourselves on your mercy." The king turned aside, to wipe the tears from his eyes, and ordered them to be conducted as prisoners, but not in chains, into England."[1]

The surrender of Stirling completed the reduction of Scotland. The king disbanded his army; ordered the court of exchequer and king's bench, which had continued during seven years at York, to resume their former station at Westminster; and applied to the reformation of the abuses which had crept into the government of his native dominions. He felt but one cause of uneasiness in Scotland, the obstinacy of Wallace, whose rejection of the grace which had been offered to him was interpreted as a proof of his intention to revive again the banner of independence. Edward resolved to tempt the selfish feelings of the rebel's former friends and associates. Such of them as had already come to the king's peace, were informed that they would meet with additional favour, in proportion to the aid which they might lend towards the apprehension of Wallace; and the Stewart, De Soulis, and Umphraville received notice, that their submission to the king's award would not be accepted until Wallace had been actually delivered into his hands. But a few days intervened, and the outlaw was the prisoner of the English monarch. He was surprised, it is said, in his bed, by Sir John Menteith,[2] and given up to Sir John Segrave, who, by order of the king, conducted him directly to London. The next day Wallace stood at the bar in Westminster-hall, with a wreath of laurel round his brow, in derision of a prediction attributed to him, that he would one day be crowned at Westminster. The king had already appointed a commission of five justices, not to preside at the trial, but to pronounce judgment after a certain form which had been sent to them.[3] The prisoner maintained that he was no traitor; he had never taken, and therefore could not break, the oath of fealty. But Malor, the chief-justice, bade him listen to his sentence, which after an enumeration of his offences, ordered that, for his presumption in bearing his banner in mortal war against the king's person and dignity, he should be drawn to the elms at Tyburn; that there he should be hanged by the neck for the robberies, murders, and felonies of which he had been guilty; that there he should be cut down and beheaded, because being outlawed he had never come to the king's peace; that his entrails should be burnt on account of the profanations and sacrileges perpetrated by him, or under his command; and that his body should be

[1] West. 448—450. Rym. ii. 950, 952. Heming. i. 205, 206.

[2] Palgrave, Documents, i. 276. Menteith received as a reward, lands of the yearly value of 100*l.*; the page who acted as a spy, forty marks; and the persons who aided in the capture, sixty marks.—Ibid. 295. Were these rewards calculated in Scottish or English money?

[3] Juxta ordinationem vobis per nos inde injunctam.—Selon la ley et lusage de nostre realm.—Wallace Papers, printed for the Maitland Club, and edited by Mr. Stevenson, xxvi. xxvii. The law and custom with respect to offences partaking of treason, when the guilt of the prisoner was notorious, was to pronounce judgment without previous trial; the form of which judgment was generally sent to the justiciary from the council.

divided into four portions, his head to be fixed on London bridge, that it might be seen by all who passed over the bridge or under it, and his quarters to be suspended on gibbets in the towns of Newcastle, Berwick, Stirling, and Perth, that they might be a terror and warning to all who beheld them. He was led to execution the same day.

It may perhaps offend the national partiality of some among my readers, but I greatly suspect that Wallace owes his celebrity as much to his execution as to his exploits. Of all the Scottish chieftains, who had hitherto deserved and experienced the enmity of Edward, he alone perished on the gallows; and on this account his fate called forth and monopolised the sympathy of his countrymen.[1] They revered him as the proto-martyr of their independence; his blood animated them to vengeance; the huts and glens, the forests and mountains, which he had frequented, became consecrated in their eyes; and as the remembrance of his real exploits gradually faded, the aid of fiction was employed to embellish and eternise the character of the hero. If we may believe the Scottish writers, who lived a century or two after his death, he was gigantic in stature, powerful of limb, and patient of fatigue beyond his contemporaries. He knew no passion but the love of his country. His soul was superior to bribery or insult; and at the call of liberty he was as ready to serve in the ranks as to assume the command of the army. His courage possessed a talismanic power, which led his followers to attempt and execute the most hazardous enterprises; and which on Stainmore compelled the king and army of England to flee from his presence, even before they entered upon action. Under so brave and accomplished a leader, Scotland might have been saved; she was lost through the jealousy of her nobles, who chose to crouch in chains to a foreign despot, rather than owe their deliverance to a man of inferior family. Of all this a part may perhaps be true; but it is derived from no credible authority; much must be false, because it is contradicted by real history. The only great battles in which Wallace is *known* to have fought, are those of Stirling and Falkirk. In the first he was victorious; but he must share the glory of the action with Sir Andrew Moray, who was certainly his equal in command, perhaps his superior.[2] In the second he was defeated; and the defeat was the most disastrous that Scotland ever experienced. In the history of the next five years his name is scarcely mentioned; probably he was not in the country during a great part of that time;[3] but he returned,

[1] The cause of Wallace must not be confounded with that of the Scotsmen who were executed in 1306. He was the only man who suffered death on account of the first war of independence. They suffered at a later period on account of their subsequent rebellion. Wallace never acknowledged the claim or authority of the English king; never accepted his offer; never swore fealty to him; and therefore, as he pleaded in Westminster Hall, could not be considered a traitor. They on the contrary had acknowledged Edward and his authority; had accepted his offers; had sworn fealty to him; had, some at least, received favours from him; and then had broken their oaths and engagements, and taken up arms against him. However patriotic may have been their motives, they were most certainly, according to the jurisprudence of the age, traitors. They knew the fate to which they were doomed by law, and staked their lives on the result. The king, after the murder of Comyn, and the insurrection which followed, could not be expected to treat such enemies with that lenity which they had experienced before.

[2] Fordun tells us that Sir Andrew Moray fell in the action (Ford. xi. 29). If so, he was succeeded immediately in the command by a son of the same name. For in the two letters of protection granted on the 7th of Nov. to the convent of Hexham, Andrew Moray is joined with Wallace, and in both his name occurs the first. Andreas de Moravia et Willelmus Wallensis duces exercitus Scotiæ.—Heming. 135. Knyght. 2521.

[3] There can be no doubt that he repaired

made common cause with Comyn and Douglas; and when those leaders, in despair of success, effected their peace with the king, received from Edward an offer of the same terms, which they had accepted. It was granted that William Wallace "also might put himself on the pleasure and grace of the king, if he thought proper."[1] But he rejected the boon with scorn; and it is to this new provocation, whether it were the result of patriotism or of obstinacy, that his fate must be attributed. He was summoned with the others before a parliament of both nations at St. Andrews; and failing to appear, was outlawed according to the Scottish form, with Fraser and the garrison of Stirling.[2] Edward, however was not, as he has been represented, a sanguinary tyrant.[3] He accepted the submission of Fraser, though it was made at the last hour; he spared the lives of the garrison of Stirling, though they had provoked him by a hopeless yet protracted defence. But Wallace neither tendered his submission like Fraser, nor craved mercy like the garrison of Stirling. If then he fared worse than his associates, the blame must rest with himself.

To settle the government of his late acquisition, Edward condescended to ask and follow the advice of three Scotsmen, Robert Bruce, the successor of Bruce, the competitor for the crown, and Wishart, bishop of Glasgow, and John Moubray, both of whom had distinguished themselves by their previous attachment to the cause of independence. At their suggestion he summoned a Scottish parliament at Perth, in which ten commissioners were chosen to confer with the king in person at London.[4] To them were joined ten Englishmen, with several of the judges, and all took an oath to give the best advice in their power, without suffering themselves to be swayed by any consideration of friendship, enmity, or interest. The result of their deliberation was: that John de Bretagne, Edward's nephew, should be appointed guardian of the realm, with the aid of the present chamberlain and chancellor, both Englishmen; that for the better administration of justice, Scotland should be divided into four districts, Lothian, Galloway, the country between the Forth and the mountains, and the Highlands, to each of which two justiciaries, the one

to France. But the very suspicious letter of Philip IV. in the Wallace Papers (No. xvii.) affords no proof that he proceeded to Rome. The most that it shows is, that there was at one time a notion of sending him as envoy to the Pope. Basset and others were sent. See p. 565.

[1] See p. 282, note. Et quant a monsieur Guilliam de Galeys est acorde, q'il se mette en la volunte, et en la grace nostre seigneur le Roy, si lui semble que bon soit.—Ryley, 370. Lord Hailes thinks it doubtful, whether the words si *lui* semble, refer to Wallace or the king. But they evidently refer to Wallace, in the same manner as si *lour* semble que bon soit, refers to the bishop of Glasgow, the Stewart, &c., in the offer made to those leaders.—Rot. Par. i. 213.

[2] Quorum petente rege judicium secundum juris processum et leges Scoticanas, omnes qui convenerant, concordi sententia pronuntiarunt exlegatos.—Trivet. 338. Wallace Papers, 192.

[3] The only cruelties with which he is charged are the massacre at Berwick, and his treatment of the prisoners made at Dunbar. But it should be remembered that Berwick was taken by assault; and that the revenge of the conquerors had been probably excited by previous provocation, perhaps by the horrid barbarities perpetrated a few days before by the Scots in Cumberland (Heming. 87. Rym. ii. 887); perhaps by the conduct of the citizens of Berwick themselves, who, though their town had been given up to Edward some months before (Rym. ii. 692), had, we know not how, been freed from the English garrison, and taken up arms against the king. With respect to the prisoners at Dunbar, the story rests on the doubtful authority of Fordun, xi. 24, whose ambiguous language has been improved by the prejudices of later writers.—See Lord Hailes, i. 348.

[4] Ryley, 243. The deputies were chosen from each order; two bishops, two abbots, two earls, two barons, and two commoners, one from the south, the other from the north of the Forth.—See also Id. 503. Their wages were to be paid to them by the commonalty of the realm.—Parl. Writs, i. 155, 156.

a native, the other an Englishman, were assigned; that certain persons then named should be sheriffs and escheators in the different counties, removable for others at the will of the guardian and chamberlain, excepting in shires in which these offices were held by inheritance; that the castles of Roxburgh and Jedburgh should be put into the hands of the guardian; that the present governors should remain in those of Edinburgh, Linlithgow, Stirling, and Dunbarton; and that Bruce should intrust the castle of Kildrummy to a person for whose fidelity he should be responsible. With respect to the laws, it was determined that the custom of the Scots and Brets should be forthwith abolished;[1] that the statutes of David king of Scots, with the additions and amendments of other kings, should be read in an assembly of the good people of Scotland; and that such laws and customs as were plainly against the laws of God and reason should be amended immediately; but that, if any points of difficulty arose, deputies should be chosen to consult the king, and empowered to assent in the name of the commonalty to his decision.[2] This settlement was followed by an act of conditional indemnity. All who had engaged in the rebellion and afterwards submitted, were secured as to life and limb, and freed from imprisonment and disherison, on condition that they paid the following fines: the clergy one year's rent of their estates; those who submitted before Comyn, two years'; Comyn, Gordon, and the bishop of Glasgow, three years'; William Baliol, Simon Fraser, and John Wishart, four years'; and Ingelram de Umfraville, five years' rent. For this purpose they were to be put in immediate possession of their lands; a moiety of the rent of which was to be allotted to them for their support; the other moiety to be paid to the king till the fines were discharged. At the same time the order of temporary banishment against Comyn, Graham, and the bishop of Glasgow, was recalled.[3] If it be considered that these men had given repeated proofs of their hostility to Edward, that they had sworn fealty to him and renounced it, had renewed their oaths and broken them again,[4] we shall discover more reason to applaud his moderation than to accuse his severity. The world has seen many conquerors; but it will be difficult to find one, who with such provocation has displayed an equal degree of lenity.

We have hitherto observed the conduct of Edward in his relations with foreign powers, have seen him wrest the province of Guienne from the grasp of the king of France, and extend his own authority over the

[1] Ordenee est, que l'usage de Scot et de Bret desorendroit soit defendu, si que mes ne soit usez.—Ryley, 506. This was, probably, some old and national custom, which, like the tanistry of the Irish, was incompatible with the principles of the feudal jurisprudence. By the Brets I understand the men of Galloway, the descendants of the Picts, the ancient inhabitants of Britain.

[2] Ryley, 503—507. Rot. Parl. i. 267, 269. Parl. Writs, i. 161—163.

[3] Rym. 968—970. Rot. Parl. i. 211. The money arising from these fines was to be spent in Scotland, for the benefit of the kingdom. The Stewart, on the 3rd of November, came into each of the courts of law at Westminster, acknowledged his treason, submitted entirely to the good pleasure of the king, and granted that thenceforth Edward might dispose of him, his body and property, according to his pleasure. This declaration was enrolled at his request.—Abbrev. Placit. p. 208. Rot. 51.

[4] Take for example Wishart, bishop of Glasgow, of whom Edward complains to the pope, that, after the forfeiture of Baliol, he swore fealty three times on "the body of Christ, the holy gospels, the cross Neot, and the black cross of Scotland," and yet joined Bruce and Wallace; was pardoned and swore fealty again, again rebelled and was pardoned; swore fealty a fifth time, and rebelled and was pardoned.—Palgrave, Documents, i. 340. He now swore fealty a sixth time, and kept his oath till Bruce assumed the crown, when he broke it again.

kingdom of Scotland and the principality of Wales. It is now time to attend to the manner in which he governed his patrimonial dominions, to notice the improvements which he introduced, the new laws which he established, and the expedients by which he was enabled to defray the expenses of his numerous campaigns.

I. For many of the improvements in the English constitution we are indebted more to views of personal interest than of enlightened policy. In the infancy of the feudal institutions the warrior was everything, the merchant or tradesman nothing. But the latter, in the progress of civilization, gradually acquired property; property gave consideration; and during the civil wars of the last reign, both parties had found the assistance of the principal towns and cities as valuable as that of the most powerful barons. The earl of Leicester, as we have seen, had ventured to call their representatives to parliament; and his example was followed by the council on the death of Henry III. Besides the lords spiritual and temporal, four knights were summoned from each county, and four citizens from each city, to appear at Westminster, and swear fealty in the presence of the royal commissioners to the new king, who had not yet returned from the Holy Land. Edward allowed ten years to pass before he had recourse to their services; but in 1283, during his war in Wales, he compelled every man, possessing twenty pounds a year in land, to join the army, or furnish a substitute; and in order to procure an aid from men of smaller property, summoned a parliament of only two estates, the clergy and commons. The former were to assemble in the usual manner, the latter to consist of four knights from each shire, and two representatives from every city, borough, and market-town. For greater convenience they were divided into three bodies; the clergy and commons of the counties south of the Trent assembled at Northampton; those of the northern counties at York, with the exception of the clergy and commons of the bishopric of Durham, who met in that city, probably in virtue of some privilege belonging to it as a county palatine. All three were opened by commissioners from the king, who remained in Wales; nor did any inconvenience arise from the distribution of the whole parliament into separate bodies, sitting in different places, as each had no other business to transact than to grant an aid from those whom it represented.[1] About eight months later, at the conclusion of the war, the king summoned another parliament; but the number of cities and boroughs that returned members was confined to twenty-one, and the writs were no longer directed to the sheriffs of the county, but to the mayors, bailiffs, and good men of the same cities and boroughs. From that period Edward appears to have reverted to the ancient custom of raising money by tallages, till the year 1295, when in obedience to writs, ordering the attendance of representatives from every city, borough, and market-town, returns were made from one hundred and ten places. The king, however, had reason to be gratified with the experiment; if the barons and knights of the shire gave him an eleventh, the new members voted a seventh of their movables: the precedent was too valuable to be allowed to fall into disuse; the number of boroughs was augmented, their deputies were regularly summoned; and their grants, as if the proportion had been already fixed, usually amounted to one-third more than those of the

[1] See the different writs on this occasion in Hody, 372, 378, 380, 382; Parl. Writs, i. 10 11.

higher orders. This indeed was the principal object for which their presence was required; with matters of state, men in their humble situations could not be conversant; and they were therefore occasionally dismissed, while the peers continued their sittings. But they derived one great advantage from their attendance; they could confer with each other on their grievances; they could make them known to the crown; and with their grants of money they generally coupled petitions for redress.

Of the form of proceeding in these ancient parliaments we know little. At the opening of that which was held in 1305, proclamation was made by the king's command in the great hall at Westminster, at the bar of Chancery, before the courts of King's Bench and Exchequer, in the Guildhall, and in Westchepe, in the following words: "Know all men, who wish to present petitions to this parliament, that they deliver them from day to day till the first Sunday in Lent (during one week) at the furthest, to Sir Gilbert de Roubiry, Master John de Caam, Sir John de Kirkeby, and Master John Bush, or any of them, who are appointed to receive them to the aforesaid time at the farthest."[1] At the termination of the session, the parliament was dissolved by the following proclamation: "All archbishops, bishops, and other prelates, earls and barons, knights of shires, citizens and burgesses, and all others of the commons, that are come to this parliament, by command of our sovereign lord the king — the king gives them many thanks for coming, and wills that for the present they go back to their homes, so that they return forthwith, and without delay, whenever they shall be recalled, except the bishops, earls, barons, justices, and others of the king's council, who must not depart without his special permission. To those who have business, leave is given to remain and to follow it. And the knights who are come for the shires, and the others for the cities and boroughs, may apply themselves to Sir John de Kirkeby, who will give them briefs to receive their wages in their several counties."[2]

II. 1. The reader has already observed the impoverished state of the royal revenue under Henry III. As soon as Edward ascended the throne, he appointed in his first parliament commissioners to inquire into the state of the fiefs held of the crown, and by that measure obtained several forfeitures of considerable value. Soon afterwards the law officers of the crown sued out writs of quo warranto to the judges of assize, directing them to inquire by what title the landholders held their estates, and claimed the liberties and immunities which they enjoyed. This inquest was a source of much vexation and general discontent. During the lapse of years, and amidst the revolutions of property, many families had lost their original deeds, and in that case their lands were adjudged to the king, and withheld from the owners, till the restoration had been purchased by an arbitrary fine. Even when the original deeds were produced, their validity was not admitted, till they had undergone the most rigorous scrutiny, and had been tried by every ordeal which legal ingenuity could devise. At length the king consented to mitigate the rigour of his former instructions;

[1] The same persons were again appointed to receive petitions, and summoned for that purpose to another parliament held in September. The time for receiving petitions was fixed from the 15th of September to the 3rd of October.—Rym. ii. 966. Other persons were appointed to receive petitions from Scotland, Aquitaine, Ireland, and Guernsey.

[2] Ryley, 241. Rot. Parl. i. 159.

and an undisturbed possession from before the time of Richard I. was allowed to be pleaded as an effectual bar to the claims of the crown.[1]

2. The Jewry, as it was called, furnished another source of revenue, from which Edward at first like his predecessors derived considerable profits, but which he afterwards destroyed, partly through religious considerations, and partly to appease the clamour of his subjects. Traces of the existence of Jews in England may be discovered under the Anglo-Saxon dynasty; they became more numerous during the reign of the Conqueror, and gradually multiplied under the rule of his successors: not that these princes felt any partiality for a race of men everywhere persecuted, but because, by protecting them, they consulted their own interests. For the Jew, in the language of the law at that period, was the slave, the chattel, of the sovereign;[2] whatever he might actually possess, or subsequently acquire, belonged to the crown; and, if he became an object of value in the royal estimation, it was on account of the profit which he continually brought to the exchequer. Hence he was enrolled as the king's property from his birth, exempted through life from the payment of tolls or dues to inferior authorities, and suffered to dwell nowhere but in the royal cities or boroughs, and only in some of them, and in such particular quarters as were assigned for that purpose. There the Children of Israel formed a separate community; being distinguished from all other classes of men by wearing two tablets, at first of white linen, afterwards of yellow felt, sewn over the breast. They could not intermarry with Christians, nor employ them as servants, nor harbour them as inmates. But they possessed in their own quarters schools for the education of their children, synagogues for the celebration of their worship with due modesty and in a subdued tone, and a cemetery without the walls for the interment of their dead. Their high priest, whose authority all obeyed, resided in the capital, and was elected by themselves, subject to the approbation of the king. Their only occupation was that of lending money, either on pledges, which were forfeited by the owner, unless redeemed within a year and a day, or upon interest at a certain rate per week, the highest which they could extort from the necessities of the borrower.[3] In this way they made enormous profits; for the rents and fines of the feudal tenures, the aids and tallages imposed by the government, and the want of money for expeditions to the Holy Land, furnished them with opportunities of lending; whilst the notion, that the exaction of interest was forbidden to Christians by the words of Scripture, freed them from competition on the part of others. In this their favourite pursuit they met with every encouragement from the crown. The king took them as *his* bondmen under his special protection; established for them offices, where, in coffers under three locks, they deposited their bonds and securities, their money, plate, and pledges; and, withdrawing them from the jurisdiction of the courts Christian and of every ordinary tribunal, placed them under the superintendence of three or four persons called wardens, who had power to hear and determine every cause in which either of the parties was a Jew, the latter pleading in the king's name, and before a jury selected equally from

[1] Waver. 235. Stat. of Realm, 107.

[2] Au Rey ki serf il est.—Stat. of Realm, i. 221. Proprium catallum nostrum.—New Rym. i. 51.

[3] From the amusing narrative of Richard de Anesty in Palgrave, lxxxiv., it appears that they exacted from 2*d.* to 3*d.* and 4*d.* in the week per pound,—that is, from 43⅓ to 65, and 86⅔ per cent. in the year.

the professors of both religions. For this support, which cost him nothing, the sovereign was amply repaid by fines, forfeitures, and reliefs; by an annual capitation tax of three pennies from every Jew male or female of the age of twelve years; by the practice of imposing tallages on the whole body at will and to any amount; by the right frequently exercised of exacting, or selling, or forgiving, in consideration of a present, the money owing to a Jew, and by the facility of raising at any moment a considerable sum by making over to the lender the emoluments of the Jewry for a certain number of years. Yet attention to his own interest taught the king on these occasions to act with some caution. It was possible to exhaust the source from which so much wealth was derived, and on that account commissioners were occasionally appointed to open the chests of chirographs, as they were called, and to make inventories of all the bonds and treasures of the Jews, that the council might ascertain what burthen they could bear, and what portion of their profits the king might safely appropriate to himself. It seems never to have occured to them that, if a Christian could not conscientiously practise usury himself, neither could he encourage it for his own profit in others.[1]

To the great mass of the people the Jews during the whole of this period were objects of the bitterest hatred. They looked on them as men whose chief study it was to reduce families to indigence by extortion; as fiends who delighted in the sufferings of Christians; as an accursed race who, by adhering to the religion, professed their assent to the great crime of their forefathers. Reports were continually circulated of blasphemies uttered, and cruelties exercised by them in derision of the Christian worship. Hence the protection of the sovereign was not always a shield to them against insult and oppression; and in times of riot or sedition many of them fell victims to the rage of their enemies. But about the close of the reign of Henry III., a new charge against them was urged on the attention of the monarch, that by lending money on the security of rents they had in many instances crept into the possession of land to the disherison of the tenant's family, and the great prejudice of his lord. As a remedy the king ordained that, since they were incapable of possessing real property with the exception of dwelling-houses and their appurtenances, they should either restore the lands in question to the owner on his repayment of the loan without interest, or, if he declined the offer, should dispose of them to some other Christian on the same terms.[2] Edward at his coronation was assailed with new complaints from their opponents. He consulted his parliament, and published an ordinance, in which, having first acknowledged the benefit which his predecessors had derived from the Jews, he forbade them evermore to receive interest on the loan of money, exhorted them to seek their living by honest and lawful means, and with that view permitted them to work for Christian masters, to buy and sell all manner of merchandise without payment of toll, and enabled them to take leases of land for any term not exceeding ten years. But few, if any, were disposed to avail themselves of these concessions.[3] They had long been suspected of clipping the coin, a fraud the detection of which was

[1] This account I have collected from different instruments in the New Rymer, 51, 95, 151, 152, 274, 293, 315, 337, 484, 503; the Statutes of the Realm, 221, 222; Hoveden, 668, 745, and Placita de ann. Reg. Henrici, filii Reg. Joannis iii° et iv°.

[2] New Rym. 489.

[3] Stat. of Realm, 221. There has been some doubt respecting the date of this statute; but the document in Rymer, p. 543,

difficult, as long as the silver penny might be lawfully divided into halves and farthings. But now an unusual quantity of light money was found in circulation; the mutilation was of course attributed to the Jews, and the king ordered all who were charged by common fame to be apprehended on the same day. The trials occupied a special commission during several months; and as the actual possession of clipped coin was taken for a proof of guilt, not fewer than two hundred and ninety-three Jews, men and women, were hanged in the capital, and probably an equal number in the country. It should, however, be noticed that the offence was not confined to the Jews; several Christians were also convicted, and with equal justice subjected to the same punishment. At last an end was put to these prosecutions by a proclamation offering full pardon to all, whether Christians or Jews, who not having been indicted for the offence, should come in, confess their guilt, and submit to a competent fine.[1]

The conversion of the Jews to Christianity was an object which the late king had greatly at heart. To promote it, he distinguished by particular favours the men eminent amongst the proselytes, and founded in the capital an establishment for the reception and support of the more indigent.[2] Edward adopted the views of his father. The task of instructing them was confided to the Friars preachers; that of procuring their attendance at the lectures of the missionaries, to the royal bailiffs. At the same time the king promised as a boon—and the boon shows the degraded state of this oppressed people—that though all the goods and chattels of every Jew belonged to the crown, he would allow each convert to keep for himself one moiety of such property, and would devote the other to a fund for the support of those in indigent circumstances.[3] But Edward promised, the Friars preached, in vain. Nothing could wean the Jews from their attachment to the law of Moses. In 1287 they incurred the king's displeasure, probably by their objection to the payment of a tallage; and on one day the whole race, without exception of age or sex, were thrown into prison, where they remained in confinement till they had appeased the royal indignation with a present of twelve thousand pounds.[4] But presents could not avert the fate which threatened them. Three years later Edward, yielding to the importunities of his subjects, ordered every Jew under the penalty of death to quit the kingdom for ever before a certain day; but at the same time, with some attention to the demands of justice, allowed them to carry away with them their money and chattels. To the number of sixteen thousand five hundred and eleven, they repaired to the Cinque Ports, where the royal officers protected them from insult, provided the poor with a gratuitous passage, and sheltered the rich from imposition. But at sea the mariners, no longer awed by the royal prohibition, in several instances plundered the passengers and threw them overboard,—not however with impunity; for Edward caused the murderers to

which is evidently founded on it, shows that it was probably passed in the fourth year of Edward, the time to which it has been assigned by Prynne.

[1] Wals. 48. Westm. 409. Dunst. 450. New Rym. 570. French Chron. of London, 16. A new coinage was issued. Wikes, 108. —Dunst. 452.

[2] New Rym. 201, 208. This establishment was situated "in Neuestreete inter vetus Templum et novum."—Ibid. The church occupied the site of the Rolls chapel at present.

[3] In addition he promised to add to the fund the proceeds of the capitation tax on the Jews, and of all the deodands throughout the kingdom.—New Rym. 582.

[4] Wikes, 114.

be apprehended, and to suffer the punishment due to their crime. Thus ended the sojourn of the Israelites in England. By the people their expulsion was celebrated as a public benefit; and the clergy granted to the king a tenth, the laity a fifteenth, in proof of their gratitude.

III. The wars in which Edward engaged necessarily involved him in extraordinary expenses; but the measures by which he endeavoured to supply his wants, oppressive as they were at the time, ultimately proved a benefit to the subject, by provoking that resistance which confined the prerogative of the crown within more moderate limits. Under the pretence of undertaking a crusade for the recovery of the Holy Land, he obtained from the pope Nicholas IV. the tenth of all ecclesiastical benefices for the six following years; and that the grant might be more productive, the assessments were made by a new valuation taken upon oath.[2] In 1294 he determined to make a serious effort for the recovery of Guienne; and to defray the expenses of the approaching campaign had recourse to a bold but despotic expedient. Commissioners were appointed to search the treasuries of every church and monastery; the moneys deposited in them, whether they were the property of the monastic and clerical bodies, or had been placed there for greater security by private individuals, were entered on the rolls of the Exchequer; and the principal sums, under the denomination of loans, were taken away for the use of the king. A few months later the citizens of London, assembled in common council, were induced by entreaties or threats to grant him a sixth of their personals; and commissioners were sent to all the other cities and boroughs to urge them to imitate the capital. The lords and knights of the shires reluctantly gave him a tenth; but he harangued the clergy himself, and finished by requiring half of their income, both from their lay fees and their benefices. At this unprecedented demand they were filled with astonishment. A vigorous opposition was menaced; but their head, the archbishop of Canterbury, had previously left the kingdom; the dean of St. Paul's, whom they had sent to expostulate with the king, suddenly expired in his presence; and a knight, Sir John Havering, unexpectedly entering the hall, addressed them in these words: "Reverend fathers, if there be any one among you who dares to contradict the royal will, let him stand forth, that his person may be known and noticed as of one who has broken the king's peace." At this threat they submitted;[3] and the success of the experiment induced the king to repeat it in the following year. The representatives of the cities and boroughs were now summoned to parliament, and voted him a seventh. The lords granted an eleventh. From the clergy he demanded a third or fourth. They pleaded inability, but offered a tenth, which, after a scornful refusal and delay of two months, was accepted. Alarmed by such heavy and repeated exactions, they began to look around for protection. Edward had recently employed the papal authority to enforce the payment of the tenths for the holy war; they had recourse to the same authority to shield them from the royal extortion; and Boniface VIII., at their prayer,

[1] New Rym. 736, 584. Heming. 21. Trivet, 257.

[2] Dunst. 593. It was published in folio, London, 1802, under the title of Taxatio ecclesiastica Angliæ et Walliæ auctoritate P. Nicholai IV. circa A.D. 1291. By this were regulated all taxes both to pope and king from the beneficed clergy till the survey in the 26th of Henry VIII.

[3] West. 422. Wikes, 126. Walsing. 65. Knyghton, 2501. Duns. 629. Heming. 52, 54.

published a bull, forbidding the clergy of any Christian country to grant to laymen the revenues of their benefices without the permission of the Holy See.[1] Under this plea, in the November following, they resisted the king's demand of a fifth; and obtained a respite till January, during which the royal seals were fixed on their barns. On the appointed day commissioners were sent to require their answer; and the archbishop rising, addressed them in the following words: "You know, sirs, that under Almighty God we have two lords, the one spiritual, the other temporal. Obedience is due to both, but more to the spiritual. We are willing to do everything in our power, and will send deputies at our expense to consult the pontiff. We entreat you to carry this reply to the king, for we dare not speak to him ourselves." Edward had already formed his resolution. He consulted the lay peers, issued a proclamation of outlawry against the clergy, both regular and secular, and took possession of all their lay fees, goods, and chattels for the benefit of the crown.[2] The lord chief justice of the King's Bench thus announced the consequences in full court: "You that are here present, proctors and attorneys, for the archbishops, bishops, abbots, priors, and others of the clergy, take notice and acquaint your masters, that henceforth no manner of justice shall be done to them in any of the king's courts, for any injury how grievous soever; but that justice shall be had against them by every one that will complain and require it of us."[3]

Before the king's writs were issued, the archbishop of York, with his clergy, had compounded by the grant of a fifth, to avert the royal displeasure.[4] In the province of Canterbury the officers of the crown took possession of all clerical property, both real and personal, with the exception of what was contained within the precincts of churches and cemeteries; and at the same time intimation was made to the owners, that whatever was not redeemed before Easter, would be irrevocably forfeited to the king. The convocation assembled on Midlent Sunday. According to ancient custom, it divided itself into four bodies, composed of the archbishop and bishops, the abbots and priors, the deans and archdeacons, and the proctors of the parochial clergy. Before they began their deliberations, a royal message was received, forbidding them, under the severest threats, to proceed to any measure prejudicial to the rights of the crown, or to pronounce any censure against persons employed in the king's service, or such as had already submitted to his will.[5] At the same time they were reminded that Edward no longer asked them for an aid, but required a heavy fine for their contempt of the royal authority. It was in vain that this nominal distinction was thrown out to open a way to submission. As long as they remained together, their constancy was invincible; they adhered to their former resolution, and determined to suffer with patience every privation. But the moment the convocation was dissolved, a few

[1] In the bull the pope excommunicated all persons imposing unlawful burthens on the clergy, and all clergymen submitting to such burthens (Rym. ii. 706); but the next year (July 22nd, 1297), in an explanatory bull, he declared that his former prohibition and censure did not extend to the voluntary aids granted by the clergy, nor to cases of necessity, when contributions were necessary for the safety of the kingdom, of which necessity the king and his council were the proper judges; nor to the diminution of any right, liberty, or custom, of which the king, barons, or temporal lords were in lawful possession.—Spond. 322. Brady, iii. 54

[2] Apud Brady, iii. App. No. 18.

[3] Thorn. 1965. Knyghton, 2491. Heming. 107, 108.

[4] Brady, iii. App. No. 19

[5] Ibid. No. 23

eagerly sought the royal favour; their example quickly gained proselytes; some paid the fine; others deposited sums of money in places where they might be seized by the officers of the exchequer; and others purchased at arbitrary prices letters of protection. Still there remained many who refused to descend to such expedients, and contrived to weather out the storm through the aid of their relatives, or the commiseration of their neighbours. The archbishop, a man of inflexible resolution, retired with a single chaplain to a parsonage in the country, where he discharged the functions of the curate, and subsisted on the alms of the parishioners. Of his suffragans, the bishop of Lincoln alone imitated his example. But the friends of that prelate voluntarily subscribed the sum required by the king, and obtained the restoration of his temporalities.[1]

Had Edward confined his rapacity to the clergy, he might perhaps have continued to despise their remonstrances; but the aids which he annually raised on the freeholders, the tallages which he so frequently demanded of the cities and boroughs, and the additional duties which he extorted from the merchants, had excited a general spirit of discontent. Wool and hides were the two great articles of commerce, the exportation of which was allowed only to foreign merchants, and confined by law to eleven ports in England, and three in Ireland. In the beginning of his reign the duty had been raised to half a mark on each sack of wool; but the royal wants perpetually increased; and during his quarrel with the king of France, he required five marks for every sack of fine, three for every sack of coarse wool, and five for every last of hides. On one occasion he extorted from the merchants a loan of the value of all the wool which they exported; on two others, he seized and sold both wool and hides for his own profit. He even stretched his rapacious hands to the produce of the soil, and the live stock of his subjects; and to provision his army in Guienne, issued precepts to each sheriff to collect by assessment on the landholders of his country a certain number of cattle, and two thousand quarters of wheat.[2] Though this requisition was accompanied with a promise of future payment, the patience of the nation was exhausted. Consultations began to be held, and preparations were made for resistance. Edward had assembled two bodies of troops, with one of which he intended to sail to Flanders, the other he destined to reinforce the army in Guienne. At Salisbury he gave the command of the latter to Bohun, earl of Hereford, the constable, and to Bigod, earl of Norfolk, the marshal of England; but both these noblemen refused the appointment, on the alleged ground, that by their office they were bound only to attend on the king's person. Edward, in a paroxysm of rage, addressing himself to the marshal, exclaimed: "By the everlasting God, sir earl, you shall go or hang." "By the everlasting God, sir king," replied Bigod, "I will neither go nor hang." Hereford and Norfolk immediately departed; they were followed by thirty bannerets and fifteen hundred knights; and the royal officers, intimidated by their menaces, ceased to levy the purveyance. Edward saw that it was necessary to dissemble, and summoned some, requested others, of his military tenants to meet him in arms in London.[3]

The two earls, in concert with

[1] Dunst. 851—855. West. 249. Wals. 68, 69. Heming. 109, 110.

[2] Knyght, 2501. Dun. v. 418. Wals. 69. Heming. 110, 111.

[3] Heming. 112.

Winchelsea, the archbishop of Canterbury, had arranged their plan of resistance to the royal exactions. On the appointed day the constable, and John de Segrave, as deputy marshal (Bigod himself was detained at home by sickness), attended the king's court; but when they were required to perform their respective duties,[1] returned a refusal in writing, on the ground that they had not received a legal summons, but only a general invitation. Edward appointed a new constable and marshal; and to divide and weaken his opponents, sought to appease the clergy, and to move the commiseration of the people. He received the primate with kindness, ordered the restoration of his lands, and named him one of the council to Prince Edward, whom he had appointed regent. On a platform before the entrance of Westminster-hall, accompanied by his son, the archbishop, and the earl of Warwick, he harangued the people. He owned that the burdens which he had laid on them were heavy; but protested that it had not been less painful to him to impose, than it had been to others to bear them. Necessity was his only apology. His object had been to preserve himself and his liege men from the cruelty and rapacity of the Welsh, the Scots, and the French, who not only sought *his* crown, but also thirsted after *their* blood. In such case it was better to sacrifice a part than to lose the whole. "Behold," he concluded, "I am going to expose myself to danger for you. If I return, receive me again, and I will make you amends; if I fall, here is my son; place him on the throne, and his gratitude shall reward your fidelity." At these words the king burst into tears; the archbishop was equally affected; the contagion ran through the multitude; and shouts of loyalty and approbation persuaded Edward that he might still depend on the allegiance of his people. This exhibition was followed by writs to the sheriffs, ordering them to protect the clergy from injury, and to maintain them in the possession of their lands.[2]

He now ventured to proceed as far as Winchelsea, on his way to Flanders. But here he was alarmed by reports of the designs of his opponents, and ordered letters to be sent to every country, stating the origin of his quarrel with the two earls, asserting that he had never refused any petition for redress, and promising to confirm the charter of liberties and charter of the forests, in return for the liberal aid of an eighth which had been granted by the council in London.[3] Soon afterwards a paper was put into his hands, purporting to be the remonstrance of the archbishops, bishops, abbots, and priors, the earls, barons, and whole commonalty of England. In it they complained that the last summons had been worded ambiguously; that it called on them to accompany the king to Flanders, a country in which they were not bound to serve by the custom of their tenures; that even if they were, they had been so impoverished by aids, tallages, and unlawful seizures, as to be unable to bear the expense; that the liberties granted to them by the two charters had been repeatedly violated; and that the "evil toll" (the duty) on wool amounted alone to one-fifth of the whole income of the land; and that to undertake an expedition to Flanders, in the existing circumstances, was imprudent, since it would expose the kingdom without protection to the inroads of the Welsh and

[1] These duties were to call all the military tenants before them, enrol their names, the number of their followers, the time they were to serve, &c.—Rym. ii. 783.

[2] Compare Hemingford, 113, 114; West. 70; Knyghton, 2510, with the writs in Rymer, ii. 783, and Brady, iii. App. No. 29, 30.

[3] Rym. ibid.

Scots. Edward replied, that he could return no answer on matters of such high importance without the advice of his council, a part of which had already sailed for Flanders; that if the remonstrants would accompany him, he would accept it as a favour; if they refused, he trusted they would raise no disturbance during his absence. Before his departure he ordered the treasurer of the exchequer to levy one-third of the temporal goods of the clergy;[1] and appointed commissioners in each county, with powers to require security from all persons for the payment of aids due to the crown, and to imprison the publishers of false reports, the disturbers of the peace, and such of the clergy as might presume to pronounce censures against the royal officers for the discharge of their duty.[2]

At length the king sailed, accompanied by the barons and knights who had espoused his cause; and two days later Bohun and Bigod with a numerous retinue proceeded to the Exchequer. The constable, in presence of the treasurer and judges, complained of the king's extortions, of his illegal seizures of private property, and the enormous duty imposed upon wool, and forbade them, in the name of the baronage of England, to levy the last eighth which had been granted by the great council, because it had been voted without his knowledge and concurrence, and that of his friends.[3] From the Exchequer they rode to the Guildhall, where they called upon the citizens to join in the common cause, and to aid in wresting the confirmation of the national liberties from a reluctant and despotic sovereign. The tears which the Londoners had shed during Edward's harangue were now dried up; considerations of interest suppressed the impulse of pity; and they gave assurance of their co-operation to the barons, who immediately retired to their respective counties. Both during their progress to the capital, and their return from it, they had marched in military array. But at the same time they had been careful to preserve the peace; and had threatened by proclamation to punish every lawless aggressor with the immediate amputation of a hand, or the loss of the head, according to the quality of the offence.[4]

The king was soon informed of these proceedings, and ordered the barons of the Exchequer to disregard the prohibition. But in a few weeks his obstinacy was subdued by a succession of untoward events. The people and clergy universally favoured the cause of the earls; the Scots, after their victory at Stirling, had burst into the northern counties; and Edward himself lay at Ghent, in Flanders, unable to return to the protection of the kingdom, and too weak to face the superior force of the French king. In these circumstances the lords who composed the council of the young prince invited the archbishop, six prelates, twenty-three abbots and priors, the constable and marshal, and eight barons, to treat with them on matters of the greatest moment, and summoned a parlia-

[1] Parl. Writs, i. 396. In this order the king states, that, whereas God, by giving to him the government, has imposed upon him the duty of protecting the kingdom; and whereas, he cannot protect it without the aid of both laity and clergy; and whereas, the clergy cannot aid him with the sword, but with money only; therefore, he ordains that one-third of the temporal goods of the clergy, for the current year, shall be levied by his officers for the support of his present expedition.—Ibid.

[2] Heming. 115—117. Knyght. 2511. Wals. 71. Rym. ii. 788. Parl. Writs, i. 396.

[3] Edward said it had been granted by the great lords who were with him; les graunt seigneurs, qui n'adguers furent ove lui (Rym. ii. 784): Bohun objected that his friends had no knowledge of it. De conscientia suorum non emanasse.—West. 431.

[4] West. ibid. Heming. 117. Knyght. 2512. Wals. 72.

ment to meet a week later in London, and witness the confirmation of the two charters.[1] In the conferences which followed, the two parties, though opposed in appearance, had the same interests and the same views; a form of peace (so it was called) was speedily arranged; and to the ancient enactments of the charters were appended the following most important additions: "No tallage or aid shall henceforth be laid or levied by us or our heirs in this our realm, without the good-will and common assent of the archbishops, bishops, and other prelates, the earls, barons, knights, burgesses, and other freemen in our realm. No officer of us or our heirs shall take corn, wool, hides, or other goods of any person whatsoever, without the good-will and assent of the owners of such goods. Nothing shall henceforth be taken on the sack of wool under the name or pretence of the evil toll. We also will and grant for us and our heirs that all, both clergy and laity of our realm, shall have their laws, liberties, and free customs, as freely and wholly as at any time when they had them best; and if any statutes have been made or customs introduced by us or our ancestors contrary to them or to any article in the present charter, we will and grant that such statutes and customs be null and void for ever. We have moreover remitted to the earl constable, and earl marshal, and all their associates, and to all those who have not accompanied us to Flanders, all rancour and ill-will, and all manner of offences which they may have committed against us or ours before the making of this present charter. And for the greater assurance of this thing we will and grant for us and our heirs, that all archbishops and bishops in England for ever, shall, twice in the year, after the reading of this charter in their cathedral churches, excommunicate, and cause in their parochial churches to be excommunicated, all those that knowingly shall do or cause to be done anything against the tenor, force, and effect of any article contained in it.[2]

The most important of these demands, that by which the crown was called upon to relinquish the claim of levying taxes without the consent of the nation, had already been yielded by John in the Magna Charta. But the concession was then thought to bear so hard on the royal prerogative, that on the confirmation of the charter in the first of Henry III., it had been reserved for subsequent consideration; and both that monarch and his son had hitherto been able to keep it in abeyance by delays and evasions. But now procrastination would have been dangerous. As soon as the parliament assembled, the prince subscribed two instruments, of which one confirmed the two charters, the other granted, but in different language and different order, every concession demanded by the barons. In addition, for their security he took them individually under his protection, and the lords of the council bound themselves to indemnify them against the effects of the royal resentment. In return, an aid in money was granted

[1] Brady, Hist. iii. App. No. 33. Rym. ii. 793.

[2] Stat. of Realm, i. 125. Heming. 141. Though Hemingford calls these demands articuli inserti in Magna Charta, and they have been always printed in the Statute Book as Statutum de tallagio non concedendo, I cannot discover that they were ever confirmed by the king in that particular form. It is observable, however, that the compiler of them adapted his language to the altered composition of parliament. In John's charter, taxes are not to be levied nisi per commune consilium regni; in these articles, sine voluntate et assensu communi archiepiscoporum, episcoporum et aliorum, comitum, baronum, militum, burgensium et aliorum liberorum hominum de regno nostro. But in the charter signed first by the prince and afterwards by the king, a different language is adopted—forsque par comun assent de tut le roiaume et a comun profit de meisme le roiaume.—Stat. 123.

both from the clergy and laity, and a common letter was written to the king, assuring him that his faithful barons were ready at his word to join him in Flanders, or to march against his enemies in Scotland; but requiring at the same time, and in a tone of defiance, his ratification of the acts done by his son against the sixth day of December. It cost the haughty mind of Edward many a struggle before he would submit; three days were spent in useless deliberation and complaints; but at last, with a reluctant hand he signed the confirmation of the two charters with the additional articles, and a separate pardon for the earls and their followers.[1]

This was perhaps the most important victory which had hitherto been gained over the crown. By investing the people with the sole right of raising the supplies, it armed them with the power of checking the extravagance, and controlling the despotism, of their monarchs. Whatever jealousy might be entertained of Edward's intentions, his conduct wore at first the semblance of sincerity. As soon as an armistice had been concluded between him and the king of France, he returned to England, and appointed commissioners to inquire into the illegal seizures which had been made previously to his departure. They were to be divided into two classes. Where the officers had acted without warrant, they were at their own cost to indemnify the sufferers; where the goods had been taken by the royal orders, their value was to be certified into the Exchequer, and prompt payment was to be made.[2] Still it was suspected that he only waited for a favourable moment to cancel the concessions which had been wrung from him by necessity; and it was whispered that among his confidential friends he had laughed at them as being of no force, because they had been made in a foreign country, where he possessed no authority. When he met his parliament at York, the earls of Hereford and Norfolk required that he should ratify his confirmation of the charters. He objected the necessity of hastening to oppose the Scots, solemnly promised to comply with their request on his return, and brought forward the bishop of Durham and three earls, who swore "on his soul" that he should fulfil his engagements.[3] The victory of Falkirk and a long series of success gave a lustre to his arms; still when the parliament assembled the next year, he was reminded of his promise. His reluctance employed every artifice to deceive the vigilance, or exhaust the patience of the two earls. He retired from the parliament in anger; he returned, and proposed modifications; at last he ratified his former concessions, but with the addition of a clause, which, by saving the rights of the crown, virtually annulled every provision in favour of the subject.[4] Bohun and Bigod instantly departed with their adherents; and the king, to ascertain the sentiments of the people, ordered the sheriffs to assemble the citizens in the cemetery of St. Paul's, and to read to them the new confirmation of the charters. The lecture was repeatedly interrupted by shouts of approbation; but when the illusory clause was recited, the air rang with expressions of discontent, and curses were poured

[1] Brady, iii. App. No. 34. Knyght. 2522—2524. Heming. 138—143. West. 431. Wals. 73, 74. Stat. of Realm, i. 114—126. In the Lords' Rep. (227) it is doubted whether the grant of money was a parliamentary grant. But see Parl. Writs, i. 63, 64.

[2] Rym. ii. 813.

[3] Wals. 76. Heming. 159.

[4] Salvis tamen juramento nostro, jure coronæ nostræ, et rationibus nostris, ac etiam aliorum.—Stat. of Realm, i. 126.

on the head of the prince, who had thus disappointed the expectations of his people. Edward took the alarm; summoned a new parliament to meet him in three weeks; granted every demand, and appointed a commission of three bishops, three earls, and three barons, to ascertain the real boundaries of the royal forests.[1]

Though the earl of Hereford died soon after the dissolution of parliament, his partisans did not relax in their exertions. In the next session they complained that the law was but a dead letter, and that the royal officers refused to carry it into execution. To satisfy them Edward was compelled to repeat his concessions, and to grant additional articles, by which it was enacted that the charters should be publicly read in the sheriff's court four times every year, and that three knights of each county should be elected by the freeholders, and be empowered by the king to punish summarily every offence against them, for which a remedy had not been provided at common law.[2] During the year the perambulation of forests was completed, and in the following parliament it was enacted, that "whatever according to the return of the perambulators was situated without the forests, should remain so, and whatever was situated within them, should be accounted forest land for ever."

Notwithstanding the facility with which Edward had of late assented to the demands of the barons, he cherished a secret hope of being one day able to resume those claims, the surrender of which had been wrested from him by the necessity of appeasing his subjects. In 1304 Scotland was subdued. He had already intimidated his former opponents by successively punishing them for their opposition to his interests. The earl marshal and the son of the earl constable had been induced to surrender their estates and honours into his hands;[3] and the principal of the patriot barons under different pretences had been compelled to make him considerable presents.[4] From Stirling, as if his concessions and confirmations of the charters had never existed, he sent commissioners to raise a tallage on all the cities and boroughs of his demesne, according to their wealth and sufficiency, either by a capitation tax, or an impost in common, as might be most to his advantage. Nor was this illegal measure resisted or resented. In the next parliament he silenced the complaints of the barons by granting them permission to raise a similar tallage on their own tenants.[5] Before he left Scotland he sent a deputation to the pope. Its object was a profound secret at the time, but has been revealed to posterity by the papal

[1] West. 431. Heming. 168. Stat. 27 Ed. I. st. 1.

[2] Stat. 28 Ed. I. st. 3. Articuli super Chartas, Stat. of Realm, 136. Brady, iii. 72.

[3] Edward returned his estates and honours to the earl of Norfolk, but limited to him and his issue by his wife Alice. He died three years after without issue, by which both reverted to the crown. Bohun surrendered his estates and honours Oct. 8, 1302, and recovered them two years later on his marriage with Elizabeth, the king's seventh daughter, and relict of the earl of Holland.—Brady, iii. 74, 76.

[4] West. 452. Winchelsea had the honour of suffering with his friends. Edward charged the primate with having entered into a treasonable conspiracy during his absence in Flanders. The pontiff suspended him provisionally from his functions, and summoned him to plead his cause in the papal court. He remained two years in exile; but returned with honour after the death of the king. Birchington praises him for his resistance to Edward's exactions, and his constancy in defending the rights of the people. Regem in parliamentis et conciliis super suis abusionibus redarguit, et ad omne bonum quod potuit, monuit et induxit, non permittens ipsum errare, quatenus scire potuit, quin ipsum reprimeret, ut ab oppressionibus populi et exactionibus desisteret, et bonis operibus inhæreret.—Ang. Sac. i. 17.

[5] Brady, iii. 97. Rot. Parl. i. 161.

answer. The envoys informed his holiness that, during the king's absence in Flanders, a conspiracy had been formed against him by some of his barons, who extorted from him certain unjust concessions, in violation of the oath which he had taken at his coronation; and, exhibiting to him an attested copy of the bull by which Clement IV. had annulled the different compacts between Henry III. and the earl of Leicester, they prayed that he would imitate the conduct of his predecessor. The answer, with which they returned, declared all such concessions invalid; but this declaration proceeded on the supposition that the concessions were contrary to the rights of the crown, which the king had sworn to transmit to his posterity, and was accompanied with a clause saving to his subjects all the rights of which they were previously in possession.[1] Whether it were that with these limitations the papal rescript did not fully meet the king's wishes, or that he was intimidated by the rebellion of the Scots, he made no public use of its contents; but suffered the concessions, galling as they were, to remain on the statute roll at his death, and to descend to future sovereigns as the recognised law of the land.[2] Thus, after a long struggle, was won from an able and powerful monarch the most valuable of the privileges enjoyed by the commons of England at the present day. If we are indebted to the patriotism of Cardinal Langton, and the barons at Runnymede, the framers of the great charter, we ought equally to revere the memory of Archishop Winchelsea, and the earls of Hereford and Norfolk. The former erected barriers against the abuse of the sovereign authority; the latter fixed the liberties of the subject on a sure and permanent foundation.

IV. Notwithstanding these instances of oppression, Edward has obtained the name of the English Justinian, from the improvements which were made during his reign in the national code, and the administration of justice; improvements for which his people were perhaps as much indebted to his necessities as his wisdom; since they were always granted at the request of his parliament, and purchased with the vote of a valuable aid. That the courts of King's Bench, Exchequer, and Common Pleas might not encroach on each other, the limits of their respective jurisdictions were accurately defined; and that the courts Christian might not assume the undue cognizance of temporal rights, they were confined to matrimonial and testamentary causes, the non-payment of tithes, perjury, defamation, mortuaries, and the infliction of public penance. The institution of itinerary judges was retained; and, for the more prompt administration of justice, it was enacted that two of the number, aided by one or two more discreet knights, should hold assizes in each county thrice in the year.[3] These officers might not be deficient in learning or talents; but there is great reason to doubt their integrity. With small salaries they amassed immense riches; and when the king, after an absence of three years, returned to England in 1289, all the judges were apprehended, and indicted for bribery. Two only were acquitted. Weyland, the chief justice of the King's Bench, was found guilty of having first instigated his servants to commit murder, and then screened them from punishment. He

[1] Rym. i. 172. [2] Stat. 34 Edw. I. st. 5.
[3] Stat. 13 Edw. I. c. 30. Eight years later he divided the kingdom into four circuits, and appointed two judges to each, to be always employed in this office to the ease of the people. Middlesex was in no circuit, because the King's Bench was in the county. —Stat. of Realm, i. 112.

abjured the realm, and all his property, both real and personal, was adjudged to the king.[1] Stratton, the chief baron of the Exchequer, suffered a long imprisonment, was deprived of his lay fees, and paid a fine of thirty-four thousand marks. Sir Ralf de Hengham, the grand justiciary, and regent during the king's absence, was amerced in the sum of seven thousand, the rest in smaller sums, amounting in the aggregate to twenty-four thousand marks.

For the preservation of the peace was enacted the celebrated statute of Winchester, which revived the ancient custom of requiring sureties from strangers and lodgers, established the watch and ward from sunset to sunrise in all cities and boroughs; regulated the hue and cry; and ordered all hedges and underwood to be cleared away to the distance of two hundred feet on each side of the high roads leading from town to town, that they might not afford shelter to robbers.[2] These regulations, however, were ill observed, till the king issued a commission to certain knights in every shire, authorising them to enforce the provisions of the act, and to call to their aid the posse of the sheriff as often as it might be requisite. The utility of these commissioners was soon ascertained; they were gradually armed with more extensive powers; and instead of conservators, were at last styled justices of the peace. But during Edward's expeditions into Scotland they were unable to suppress the bands of ruffians, who assembled in different places, hired themselves to the best bidder, and became the executioners of private vengeance, or the ministers of individual rapacity. These excesses, however, ceased with the submission of the Scots. An extraordinary commission of justices of traylebaton proceeded from county to county, and by condemning, after a summary trial, many of the offenders to the gallows, so intimidated the rest, that they precipitately quitted the kingdom.[3]

During Edward's reign several alterations were made in the laws respecting the transmission or alienation of real property, which are wholly or partially in force at the present day. Originally lands were given to a man and the heirs of his body, in failure of which heirs they were to return to the donor; but it had been held by the judges that on the birth of an heir the condition was fulfilled. The feoffee could then alien as he pleased, and he was generally careful to make his fee-simple absolute, so that it might descend by common law to his heirs general. The barons complained that by this expedient the will of the donor, and the rights of his successors, were unjustly defeated; and a law was enacted, taking from the feoffee the power of disposing of his lands, and ordaining that they

[1] The history of Weyland is curious. He escaped from custody, disguised himself, and was admitted a novice among the friars minors at St. Edmundsbury. His retreat was however discovered; but as he was in a sanctuary, forty days were allowed to him according to law, after which the introduction of provisions into the convent was prohibited. The friars soon left it through want; Weyland followed them, and was conducted to the Tower. In the king's council the option was given to him to stand his trial, to be imprisoned for life, or to abjure the realm. He chose the latter; and having walked barefoot and bareheaded, with a crucifix in his hand, to the sea-side, was immediately transported.—See Dunst. 573—577; Wikes, 118, 119.

[2] Stat. of Realm, 96.

[3] Rot. Parl. i. 178. Ryley, 280. Rym. ii. 960. Several fanciful explanations of the name have been given. But as Sir F. Palgrave remarks (Chron. Abs. 66), the commission is docketed, de transg' nominatis trailbaston audiend' et terminand'; and consequently the word applies to the offender or the offence. The offenders are described as murderers, robbers, and incendiaries, wandering from place to place, and lurking in woods and parks.—Parl. Writs, i. 408. Perhaps they were generally armed with clubs; whence the offence might be called an act of trailbaston.

should descend in the terms of the original grant, and in failure of issue revert to the donor. The object of this statute was to preserve the rights of the lord; its effect, though that does not appear to have been contemplated by the legislature, was to secure the transmission of estates through the different generations of the same family, by depriving the actual possessor of the power of alienation.[1]

Another very important alteration regarded the conveyance of lands. At the commencement of Edward's reign, every tenant who possessed freehold lands of inheritance could convert his property into a manor, with manorial courts, profits, and immunities, by granting or selling a portion of it to two or three individuals, to be held by them and their heirs for ever, under fee or military service. By this system of sub-infeudation, manors were multiplied beyond measure; and the great barons discovered that they were deprived of the escheats, reliefs, and wardships of the lesser freeholders, which by the condition of their tenures were reserved to the immediate lords of whom they held their lands. Repeated complaints gave birth to the statute of the eighteenth of this prince, by which the creation of new manors was prohibited; and it was enacted, that in all sales or grants of land for the future, the new feoffee should hold his land, not of the individual from whom he received or purchased it, but of the chief lord of the fee. Hence it is, that at the present day no claim of manorial rights is admitted, unless they have existed as such since the year 1290.[2]

I shall notice only one more alteration, which the king appears to have had much at heart, and in which he was in a great measure defeated by the ingenuity of his opponents,—I mean the statutes enacted to prevent corporate bodies, ecclesiastical or secular, from acquiring lands in mortmain. For as such bodies cannot die, the immediate lords of those lands were deprived of the escheats, reliefs, wardships, and other feudal profits, which they derived from the decease of individual proprietors. To remedy the inconvenience, bodies corporate had long been incapacitated from acquiring lands without the previous consent both of the mesne lord and the king; but they had found means to evade the prohibition by taking leases for very long terms of years, or by purchasing estates, which were held *bonâ fide* of themselves. In 1279 a statute was passed, by which all alienations in mortmain, by whatever art, or under whatever pretext they might be effected, were forbidden on pain of forfeiture to the immediate lord, or, in his default during a year, to the lord paramount, and in default of both, to the king.[3] But an expedient was soon discovered by which the provisions of the statute were eluded. A secret understanding took place between the parties; the body wishing to obtain the land set up a fictitious title; and the real proprietor, by collusion, suffered judgment to be given against him. This was the origin of common recoveries, which are still in use. The king was indignant when he saw himself foiled in this manner, and in 1285 a new statute was passed, by which all such cases were sent to a jury, and wherever fraud was discovered, the land was forfeited to the immediate lord.[4] Still the ingenuity of the clergy, who were principally interested in the contest, was not exhausted. They distinguished between the possession and the use;

[1] Stat. of Realm, 71.
[2] Stat. of Realm, 106. Rot. Parl. tom. i. p. 41.
[3] Stat. of Realm, 51. There are, however, several instances in which the king granted licenses for the alienation of lands in mortmain.—See Rym. ii. 664, 1004.
[4] Stat. of Realm, 87.

estates were no longer conveyed to the body corporate, but to others for its use; and thus, while the seizin of the land was in the nominal feoffee, all its profits and emoluments came to the possession of those for whom the vendor or grantor originally intended it.[1]

It had employed Edward thirteen years to forge the fetters of Scotland; in less than six months she was again free. To understand this important revolution, we must advert to the rival houses of Baliol and Bruce. Baliol was dead; and before his death he had more than once renounced for himself and his posterity all right to the crown. As the renunciation had been made in captivity, and was the effect of compulsion, it would probably have been disregarded by the Scots; but his only son was a prisoner in the tower of London, and the task of supporting the rights of the family devolved on the next heir, John Comyn of Badenoch, the son of Marjory, Baliol's sister, a nobleman already distinguished by his efforts to recover the independence of his country. From the fatal battle of Falkirk to the last expedition of Edward, he directed as guardian the councils of Scotland. To the king of England he had long been an object of peculiar jealousy; at the late pacification a sentence of temporary banishment was pronounced against him; and though that sentence had been recalled, he had still been fined in thrice the amount of his yearly income.

The pretensions of Robert Bruce, the original competitor, had descended to his grandson, of the same name, and about twenty-three years of age. The Bruces, animated by a spirit of opposition to the Baliols, had hitherto done little for their country. The grandfather had been the first to acknowledge the superiority of the king of England; the son, when Baliol drew the sword of independence, hastened to join the hostile banners of Edward; and the grandson, unable to discern his real interest, had continually oscillated between the two parties. As often as a gleam of success enlivened the hopes of the patriots, he became a willing convert to the same holy cause: at the approach of Edward, the apostate was always eager to make his peace with the conqueror, and to redeem his past disloyalty by new services. At the present time he enjoyed the favour and confidence of that prince, who had consulted him on the late settlement of Scotland, and remitted to him the payment of the relief due for the lands which his father had held in England.

It chanced that both Comyn and Bruce arrived at Dumfries about the same time, probably to meet the new justiciaries who were holding their court in the town. Bruce requested a private conference in the choir of the church of the Minorites, and the very selection of the place warrants a suspicion that the two chiefs had reason to be on their guard against each other. Whether it were the consequence of premeditated treachery, or only the sudden impulse of passion, will be for ever unknown: but they met; the conversation grew warm; and Bruce plunged his dirk into the breast of Comyn, saw him fall, and hurried to the church-door. He appeared pale and agitated; and to the inquiries of his attendants replied: "I think I have killed Comyn." "You only think so!" exclaimed one of the number, and hastened with his companions into the church. Comyn still breathed, and with proper care might have lived. The friars had conveyed him behind the altar; and his uncle, Sir Robert Comyn, had

[1] See Stat. 15 Rich. II. c. 5.

been called to his assistance. At the approach of the assassins Sir Robert drew his sword, and was slain by Christopher Seaton, the brother-in-law of Bruce. Kilpatric, springing forwards to Comyn, plunged his dagger into the heart of the unresisting victim.[1]

This is all that is known, perhaps more than is really known, respecting the cause and the circumstances of the murder. But the Scottish historians are better informed. They tell us, that Comyn had bound himself by oath and indenture to support the claim of Bruce to the crown; that he afterwards betrayed the secret to Edward, who one evening over the bottle revealed his intention of putting the whole family to death; that the earl of Gloucester gave Bruce a hint of his danger, by sending him a pair of spurs and twelve silver pennies; that the patriot, to prevent his being tracked in the snow, ordered the shoes of his horses to be inverted, rode through bye-ways from London to Lochmaben in seven days, and meeting on the road a foot-traveller, of suspicious appearance, killed him, and found on his person letters from Comyn to Edward; that he went immediately to Dumfries, sent for Comyn to the church, showed him the intercepted letters, and, receiving from him the lie, despatched the traitor.[2] This romantic tale was long believed by the gratitude and partiality of the people; but later writers of the same nation have proved that in all its circumstances it is liable to strong objections, in many it is contradicted by satisfactory evidence. There can be little doubt that it is a fiction, purposely invented to wash the guilt of blood from the character of Robert I., and to justify a transaction which led to the recovery of Scottish independence.

Edward was rather irritated than alarmed at the intelligence. That so foul a murder could overturn his superiority was an idea which never entered his mind; but, enfeebled as he was by years and disease, he looked forward with reluctance to the possibility of a war. Orders were sent to his lieutenant, Aymar de Valence, earl of Pembroke, to chastise the presumption of Bruce; and all the young nobility of England were summoned to receive, in company with Prince Edward, the honour of knighthood. The more distinguished he admitted into the palace; for the accommodation of the others, tents were erected in the gardens of the Temple; and all received from the royal wardrobe vests of silk, and mantles of purple and gold. The king was too weak to expose himself to the heat caused by the crowd. He knighted his son in the hall of the palace; and the young prince, in the abbey church, conferred the same honour on his two hundred companions. It was the custom for the new knight to make a vow, the object of which was generally suggested by the circumstances of the time; the vows of

[1] Compare Hem. 219; West. 453; Knyght. 2494; Walsing. 91; Ford. xii. 7; Hailes, i. 292. The cause assigned by the old poet, whose lines are preserved by Fordun, is the ancient quarrel between the two families.

Causa suæ mortis est vetus discordia fortis.—Ford. xii. 7.

[2] Fordun, xii. 5—7. Boece, xii. Buch. viii. The genius of Hume has improved and embellished this tale. He first gilds the spurs sent by the earl of Gloucester, and changes into a purse of gold the paltry present of twelve pennies. Then, having conducted the hero to Dumfries, with the Scottish writers, he adopts the opinion of the English, that the dispute arose respecting the succession to the crown, and therefore introduces Bruce to a council of Scottish nobles most providentially assembled at the very moment, astonishes them with the beauty, the address, and the eloquence of the young patriot, composes for him an elegant harangue, and puts a string of cautious objections into the mouth of Comyn. The assembly breaks up; Bruce, in a fit of indignant patriotism, pursues Comyn, and the murder is perpetrated. But all this again is fiction!

chivalry, however, were not taken on the gospels, but, ridiculous as it may appear, in the presence of a peacock, or pheasant, or other bird of beautiful plumage. During the royal banquet, the minstrels placed on the table two swans in nets of gold. The king immediately vowed before God and the swans, that he would revenge the death of Comyn, and punish the perfidy of the rebels; and then addressing the company, conjured them in the event of his death in the expedition, to keep his body unburied till they had enabled his son to accomplish his vow. The son swore that he would not sleep two nights in the same place till he had entered Scotland to execute his father's commands; the rest applauded his oath, and imitated his example. The next morning the prince, with his knights companions, departed for the borders; Edward himself followed by easy journeys; and his military tenants received writs to join him at Carlisle in the beginning of July.[1]

Bruce, by the murder of Comyn, had staked his life; he could save it only by winning a sceptre. He assumed the title of king, summoned the Scots to his standard, and was crowned without any opposition at Scone. When his wife, the daughter of the earl of Ulster, was informed of the coronation, she ventured to express a hope that he, who was a king in summer, might not prove an exile in winter. These words were noticed as a prediction; but it required not the spirit of prophecy to foretell the disasters which attended the first efforts of the new monarch. In the wood of Methven, and the neighbourhood of Perth, six of his bravest knights were made prisoners by Pembroke; and Bruce himself, thrown from his horse, must have shared their lot, had he not been rescued by Seaton. The Grampian hills offered a retreat to the fugitives; the deer of the forest and fish of the stream supplied them with food; if occasionally they descended to the lowlands, they as often returned at the approach of the English; and during two months they wandered like outlaws through Breadalbane and Athole. But their sufferings were lessened by the attentions of their female relatives, who, under the guidance of Nigel, a brother of Bruce, had arrived to share the lot of their fathers, brothers, and husbands. Near the banks of Loch Tay, they were discovered by Alexander, lord of Lorn, who had married a Comyn. He summoned his clan; Bruce and his followers were defeated; and it became necessary to separate for their safety. The ladies were conducted on horseback to the castle of Kildrummy; the king, with only two or three companions, proceeded on foot to Loch Lomond, crossed it in a boat, and received an hospitable welcome at the castle of Dunavarty, from the lord of Kintyre. After three days' rest, he embarked in a small ship, steered to the north of Ireland, and, in the unfrequented island of Rathlin, buried himself during the winter from the knowledge and the pursuit of his enemies.[2]

Edward, through weakness, was unable to leave the neighbourhood of Carlisle; but he could attend the deliberations of his council, and issue instructions for the punishment of the prisoners. It was determined

[1] West. 433. Trivet, 343. Rym. ii. 1052. Ad Murim. 37. The king had not forgotten the feudal right of demanding an aid from his tenants on this occasion; but he chose to do it in parliament, which assembled on the 30th of May, and granted him a thirtieth and twentieth.—Parl. Writs, 164, 178.

[2] Barbour, 29—61. Ford. xii. 2. West. 455. Heming. 223. The adventures of Bruce are romantic and interesting in Barbour. Fordun bears testimony to his accuracy; but Barbour was a poet, and evidently avails himself of the privilege of his profession.

that the murderers of Comyn, their abettors and concealers, should be drawn and hanged; that all rebels taken with arms in their hands should be hanged or beheaded; that of those who surrendered, the most dangerous should be imprisoned during the king's pleasure: the rest, with such as had joined the insurgents by compulsion, and the common people, should be punished according to the discretion of the king's lieutenant. In consequence of these orders, a few prisoners were tried, condemned, and executed, among whom the most distinguished were the earl of Athole, Nigel the brother of Bruce, Christopher Seaton, with his brother Alexander, both Englishmen, Simon Fraser, and Herbert de Norham. If we consider these unfortunate men as the champions of freedom, they may demand our pity; but their execution cannot substantiate the charge of cruelty against Edward. Some were murderers; all had repeatedly broken their oaths of fealty, and had been repeatedly admitted to pardon.[1]

Among the prisoners were three ecclesiastics (the abbot of Scone, and the bishops of St. Andrew's and Glasgow), and most of the females who had so heroically joined the outlaws in the Highlands. The former had been taken in complete armour, and were confined in fetters in separate castles in England. The latter fell into the hands of the king, by the surrender of Kildrummy, or the violation of the sanctuary at Tain in Ross-shire. To the wife of Bruce Edward assigned his manor of Brustwick for her residence, with an establishment suitable to her rank as countess of Carrick.[2] Many were dispersed in different convents, and placed under the custody of the nuns. Two, the countess of Buchan, who in right of her family had placed the crown on the head of Bruce, and his sister Mary, who by her conduct must have merited the distinction, were treated with greater severity. They were confined, the first in the castle of Berwick, the other in that of Roxburgh. At the end of four years Mary was exchanged for nine English prisoners of rank; and about the same time the countess was transferred to a less rigorous confinement in the Carmelite convent in Berwick, from which she was liberated three years afterwards.[3]

About the end of winter the exiles issued from their retreat. Thomas and Alexander Bruce with a body of Irishmen entered Loch Ryan, but

[1] Ryley, 510. Trivet, 344, 345. West. 455, 456.

[2] The king's directions are curious. The bishops were to be confined each in a cell in the tower, every door leading to which was to be kept locked, and the drawbridge raised. No one was ever to see them besides a valet, a boy, and a chaplain for each, for whose fidelity the sheriff was to be security. —New Rymer, 966. With respect to the countess, her establishment was to consist of—1. Two females of the country, of a good age, very sedate, and of approved conduct, one as a companion, the other as a waiting-maid. 2. Two valets of good age and sedate, one belonging to her father the earl of Ulster, the other of the country, to carve for her. 3. A footman "to stay in her chamber, a sober man, and not riotous, to make her bed and do other things fitting for the chamber." 4. A house-steward to take care of her keys, pantry, and butlery. Also a cook. She was moreover to have three greyhounds to hunt in the warren and park, when she wished; as much venison and fish as she wanted; the house she liked best, and liberty to ride to any part of the manor.—Rym. ii. 1013, 1014.

[3] See Rot. Scot. i. 85, 86. They were confined in *cages*; on which account some writers say that they were exposed in cages to the gaze of the people. The contrary is evident from the king's orders. The cage was to be built within one of the turrets of the castle, and the prisoner was on no occasion to come out of it. One or two female servants, of English birth, were to be allowed to speak with them. In each cage was to be the "convenience of a decent chamber."—Rym. ii. 1014. The truth is, *cage* meant a cell or room in a prison; and, for the accommodation of these ladies, their cages were formed by wooden partitions within the walls of the castle.

were opposed by Duncan Macdowal, made prisoners, and executed at Carlisle. The king was more fortunate than his brothers. He sailed to the coast of Carrick, surprised the English in the vicinity of Turnberry, and hastened for security to the hills and forests. By degrees he was joined by his former vassals, defeated Pembroke, and drove Ralph de Monthermer to the castle of Ayr. He even laid siege to the place, but had the wisdom, at the approach of the English forces, to retire once more to the mountains.[1]

To Edward the success of his antagonist, trifling as it was, became a continued source of vexation. In July he felt a marked improvement in his health, and ordered the army to advance into Scotland. But the very exertion of mounting on horseback threw him back into his former state of weakness; his progress in four days was confined to six miles; and the next evening he expired at Burgh-on-the-Sands, in the sixty-ninth year of his age, and the thirty-fifth of his reign.[2]

Edward was twice married. His first wife was Eleanor of Castile, daughter of Ferdinand III., and, after the death of her mother, heiress of Ponthieu. Eleanor deserved and possessed the affections of her husband. She is described as elegant in her person, and gentle in her manners; pious, prudent, and charitable; abstaining from all interference in matters of state; and employing her authority to relieve the oppressed, and reconcile those who were at variance. She bore to Edward four sons and eleven daughters, of whom several died in their infancy, and not more than three are known to have survived their father. Her death happened at Hardley, near Lincoln, in 1290. The king's affection induced him to follow the funeral to Westminster, and to erect, wherever the corpse rested for the night, a magnificent cross to her memory.[3] His second wife was Margaret of France, by whom he had a daughter, who died in her infancy, and two sons, who survived him.

[1] Barbour, 92—157. West. 457, 458. Hem. 225. Trivet, 346.

[2] Rym. ii. 1059.

[3] Some of these crosses still remain, and are of considerable elegance. His object in these erections was not merely to preserve her memory, but to induce passengers to stop and offer up their prayers for her soul. —Wals. 54. In the circular letter which he sent on the occasion to different prelates and abbots, he describes the object of these prayers to be, ut si quid maculæ non purgatæ in ipsa, forsan oblivionis defectu vel alio modo, remansit, per utilia orationum suffragia, juxta divinæ misericordiæ plenitudinem abstergatur.—Rym. ii. 498. I may add that to raise crosses, where the dead body had rested, was a custom in England as old as Christianity itself.—See Ang. Sac. ii. 23.

APPENDIX.

NOTE B, p. 66.

On the Letter attributed to Foliot.

THIS letter, which Berington has pronounced spurious in his History of Henry II. (App. ii.) may be seen among the epistles of Gilbert Foliot, edited by Dr. Giles (i. p. 265). It is very diffuse, covering two and twenty pages; and highly criminative of the archbishop. The other bishops are described in it as the real champions of the church, he as a traitor to his order. They resisted the Constitutions of Clarendon, and were prepared to resist them unto torture, exile, and death; he was the first to yield; and commanded the others to follow his example in virtue of the obedience which they owed to him as their archbishop.

The object of the writer was manifestly to deprive Becket of the sympathy which attached to him as a sufferer for the rights of the church. But could Foliot, whether we look upon him, or on one of his party, as the real author, consistently, or even safely, have made use of this letter? Its vituperation of the archbishop rests upon a basis, which must have made it most offensive to Henry: on the admission that the royal claims were so unjust and exorbitant, that it became the duty of the bishops to resist them even unto death. Was not this to condemn the king, and to justify the archbishop in his subsequent opposition, though he had previously given his assent?

NOTE C, p. 162.

John during the Interdict.

It may perhaps be supposed that a prince of John's character, during an interdict, and under sentence of excommunication, would pay little attention to religious observances. But the Rotulus Misæ of his fourteenth year, which of course is confined to payments made by his order, presents many proofs of the contrary. In 1213 he had reigned thirteen years; and we find him in 1214, at the maundy, on Thursday before Easter,

giving the sum of thirteen pennies to each of thirteen poor persons; and on the next day, Good Friday, offering the same sum at the kissing of the cross, with the addition of eight pennies for the knights (probably eight) who accompanied him. He often sent small presents to convents of nuns in distress; but his favourite charity was to give a dinner of bread, beer, and flesh or fish, to a certain number of poor people. On the fourteenth of September, the feast of the Exaltation of the Cross, a festival of great veneration among the crusaders, he gave a dinner to one hundred poor for the soul of his brother Richard; and on October 3rd, to the same number for the soul of his father King Henry. He did the same, as often as he broke the weekly fast of Friday by taking two meals, or infringed by hunting or hawking the solemnity of a fast-day or of a festival. There are also entries in which he gives dinners to twenty, thirty, or fifty poor persons, because some of his officers had not observed the abstinence of the Wednesday, probably because they had been employed in his service.—See the Roll, *passim*.

NOTE D, pp. 165, 169.

John's Grant of Feudal Superiority to the Pope.

In most narratives of this transaction so many errors are found, that I may be allowed to state the naked facts, as they exist in authentic documents still extant.

On the assurance by the English envoys that John was now ready to submit to the pleasure of the pontiff, Innocent despatched to England, on March 1st, 1213, two messengers, Master Pandulph, a subdeacon, and Brother Durand, a friar, both officers in his household. Their private instructions, and the concessions required of John, may be seen in the New Rymer, i. 109.

Of Durand we hear nothing more. But on May 7th John came to Ewell, a house of the Knights Templars near Dover, and the next day sent to Pandulph a letter by the very messenger who had brought to him a letter from Pandulph.—Rot. Misæ anni Regis xiv. p. 263. Pandulph had probably arrived on the opposite coast, and waited for permission to land in England. Two or three days later he joined the king at Ewell.

On May 13th, John accepted and subscribed without modification all the conditions required by Innocent. There was nothing in them, nor in the private instructions of the papal envoy, that alluded to any demand of feudal superiority.—See New Rymer, i. 108, 109.

On May 14th, as if the object of Pandulph's mission was now accomplished, three messengers were sent to the continent on the king's business—in nuncium regis; one was appointed by the king, one by Pandulph, and one by the bishop of Norwich. They took with them letters to the king of France, and to the exiled bishops, informing them of John's pacification with the pope.—Compare Rot. Misæ, p. 264, with the certification in New Rymer, p. 112.

On the next day, May 15th, the English monarch put into the hands of Pandulph the celebrated charter, with which the reader is already acquainted. By this he rendered himself and his heirs by his wife feudatories of the Roman church for the kingdoms of England and Ireland by the yearly payment of 1,000 marks,

but reserved at the same time to himself all the rights and prerogatives of the crown. He then took the oath of fealty to Innocent, after the form recited at the foot of the charter, the same form which was in common use. But homage he did not do—in fact, he could not do it, because homage required the presence of the lord himself, or of some one duly authorised to receive it. Now Pandulph had no such authority; on which account John made a promise of homage, whenever he might have a personal interview with the pontiff: Si coram eo esse poterimus.—Rym. i. 111. Neither did he on that occasion pay the rent of 1,000 marks; it was paid, as the reader will see, about five months later.

Intelligence of this transaction seems to have reached Rome about the end of June. Innocent now thought it expedient to send to England another envoy of higher rank than Pandulph, and with more extensive powers; and to this office he appointed, on July 6th, Nicholas, bishop of Tusculum, with the title and authority of apostolic legate.—Rym. i. 113. On Sept. 19th, John sent orders from Yorkshire to the earl of Essex to provide ships for the passage of the legate, whenever Pandulph might require them.—Rot. Lit. Claus. 151, 165. On the 26th, he returned to the capital to meet him; and on October 3rd, both repaired together to St. Paul's. There, as if all that had passed before were void, John put into the hands of the legate a charter of recognition, an exact counterpart of that which he had formerly given to Pandulph; he then took the oath of fealty, the very same oath which he had taken in the presence of Pandulph; afterwards he performed homage, not to Pandulph, but to the legate, as the representative of Innocent—per manus prædicti legati, loco et vice ipsius domini Papæ recipientis;—and last of all he paid into the hands of the legate 1,000 marks, the stipulated rent for the current year—Pro censu hujus præsentis et primi anni mille marchas sterlingorum per manum prædicti legati ecclesiæ Romanæ persolvimus.—Rym. i. 115.

About the end of August, before the arrival of the legate, the bishop of Norwich, with two associates, were on their way to Rome, as ambassadors from the king.—Rot. Lit. Claus. 149. We hear nothing more of them before the latter part of October, when they obtain from Innocent several letters to the people of England, Wales, and Ireland, and to the king of Scotland, announcing his reconciliation with John, and his intention to support the rights of his feudatory. On November 4th he subscribes, with all the cardinals then in Rome, a letter to the king, accepting, in the name of the Roman church, the donation which John had made by his charter given to Pandulph on the 15th of May.—Rym. i. 117. Probably no intelligence had then reached him of the proceedings at St. Paul's on the 3rd of October; but on April 21st of the next year, when the legate's mission was terminated, the pope and cardinals signed another letter of acceptance, similar to the former, with this only exception, that the charter given to the bishop of Tusculum on October 3rd was substituted in it for that given to Pandulph on May 15th.—Rym. i. 119. Hence I conceive that the feudal lawyers had discovered some defect in the proceedings between John and Pandulph.

Here it may be remarked, that the grant and acceptance are treated in the original papers, not as a national, but a personal transaction. John binds himself, and the heirs of his body by his wife; and the pope signifies his acceptance, not to John and his successors generally, but to John and the heirs of his body by his wife.

Of the three things promised,—homage, fealty, and yearly rent,—homage was performed by John only

of all our kings; fealty was sworn by none but John and his son Henry, when the latter was ten years old, and under the care of the legate Gualo; the rent was sometimes paid, and sometimes evaded, till it was absolutely refused, as will be seen in the history of the reign of Edward III. c. ii.

The foregoing statement, drawn from authentic sources, shows how little credit is due to Mathew Paris, and also to Wendover, whose work Paris copies and occasionally interpolates. The narratives of both these writers abound with errors. They tell us that the 15th of May, on which the proceeding with Pandulph occurred, was the vigil of the Ascension, whereas the Ascension fell that year on the 23rd of May. They are very full of the transactions between the king and Pandulph, but know nothing, at least say nothing, of the more important proceedings between the king and the legate. They pretend to give us copies of the charter granted by John, but imperfect and falsified copies, which have led them and their readers into error. They affirm that John did homage to Pandulph; yet give as the form of homage the oath of fealty. Paris, moreover (but for this he has not the authority of Wendover), describes Pandulph after the homage receiving the money, and trampling it in his pride under foot, though, as the reader has seen, the money was not paid till several months afterwards.

I may add that the titles of the several instruments in Rymer seem to have been copied out of Paris, and are equally calculated to mislead the reader. They are evidently contradicted by the contents of the documents to which they are prefixed. Even the certificate of the king's absolution (Rym. 112) is no certificate; he was not absolved till several months afterwards, and the instrument itself contains not a word on the subject. There occurs in it a clerical error. By the omission of a word, John is said to have done homage by oath and charter, whereas he only promised by his charter to do it.

NOTE E, p. 254.

Homage of Alexander in 1278.

It has been pretended that Alexander did not do homage unconditionally on this occasion, but that, to impose upon posterity, the entry in the Close Rolls was falsified by the order, or with the approbation, of Edward.—Allen, Vindication of the Independence of Scotland, 15, 87. The supposed falsification consists in this, that part of the original entry has been erased, and on the erasure has been substituted the following passage: "Et illud (homagium) ei fecit in hæc verba. Ego Alex. Rex Scot. devenio ligius homo dni Edwardi Reg. Angl. contra omnes gentes. Et idem Rex Angl. homagium ejusdem R. Scot. recepit."

In ordinary cases, all that could be inferred from such erasure and substitution, would be that the clerk, in making the original entry, had committed an error, which on detection had been erased and rectified. Why should it not be so in the present case? What is there in this correction that should induce us to stamp it with the charge of falsification and deliberate forgery? It is answered, that, according to the information given to the pope by the Scots, Alexander, when he did

homage for the lands in Tynedale and at Penrith, publicly protested that his homage was not for the kingdom of Scotland, for which he owed no fealty to the king of England (New Rym. 907): whence it is insinuated, that the original entry contained a notice of such protestation, which has since been erased, that a profession of liege homage might be substituted in its place.

Now this reasoning presupposes two things: first, that the representation of the Scots to Boniface was correct; secondly, that the homage of which they spoke was that homage which the record professes to describe. But, 1, if *they* deny that Alexander did homage for his kingdom, Edward in his answer to the pope as positively asserts it: "Patri nostro pro regno Scotiæ, et postea nobis, homagium fecit." New Rym. 933. The negation on the one part is neutralized by the affirmation on the other. 2. What proof is there that the homage, of which the pope speaks, was the same homage to which the record refers? Alexander did homage to Edward twice; first at the coronation of that monarch in the second year of his reign, and afterwards in his parliament at Westminster in the sixth year of his reign. Now the Close Roll has preserved the record of the latter homage; the letter of the pontiff refers in all probability to the former; for without the performance of homage to the new monarch for the lands in England, those lands and their profits would have been seized by the crown.

But we can still go further, and show that the homage in the letter of the pope is not the homage in the record, and that the record in its corrected form is a faithful representation of what actually took place. Fortunately a letter has been preserved from Edward to the chancellor and Otto de Grandison, of the date of 1st March, 1278, in which he informs them, as a matter of joyful intelligence, that the king of Scots had offered to do homage *without any condition annexed* to it; that he (Edward) had appointed for that purpose a day at London, a fortnight after Michaelmas, and that he expected them to be present, and to witness it. "Et dilectus frater et fidelis noster Alexander, Rex Scociæ illustris, his temporibus per suos solemnes nuncios, quos ad nos transmisit, homagium suum nobis debitum nobis *absque conditione aliqua* obtulit et tetendit, &c."—New Rym. i. 554. As early as the 12th of June Edward published an order to all his bailiffs and officers to attend upon the king of Scots and his retinue at his requisition, whenever he passed through their respective bailiwicks, for five months, from three weeks before Michaelmas till the Purification (ibid. 554); and on the 15th of September another order to the same, enjoining them to prevent any undue rise in the price of provisions in the markets of those places through which the king of Scots should pass.—Ibid. 562. At length Edward was gratified. Alexander arrived, attended the parliament, and, according to his promise, performed homage on the appointed day.

Hence it is plain that Alexander came to do homage simply, *absque conditione aliqua*, therefore not with the protestations and reservations detailed in the letter of Boniface, but to do it exactly in the manner related in the record, by becoming the liege man of Edward against all manner of men, without salvo or reservation. The agreement of the entry on the erasure in every point with the previous announcement of the king in his letter to his two ministers, is a sufficient refutation of the charge of forgery.

I may add that this form of unconditional homage appears in reality to have been a compromise between Edward and his brother-in-law. If it did not state that the homage was done for the crown of Scotland, it did not state that it was done for

any thing else. It was not, however, sufficient to include that crown; and therefore the record proceeds to state that Edward received it, "saving his right and claim to homage for the kingdom of Scotland, when it shall please him to bring it forward."—Ibid. 563. With this statement existing on the record, that he had not received homage formally for the crown of Scotland, how could he possibly falsify the preceding lines to persuade future ages that he had?

END OF VOL. II.

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